

The Torah of Human Rights



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A Jewish Theology of Human Rights

CY Summer Program 5773 - 2013

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Learn more about the theology of human rights at www.humanrightstheology.net

Download the source-book for this course at <http://tinyurl.com/q5v69y2>

1. The Return to Zion, Global Justice, and "The Dawn of Our Redemption"

Source 1

Megilat HaAtsmaut (The Scroll of Independence):

I now read before you the foundational scroll of the state of Israel that has been adopted on the first reading by the Assembly of the People.

ERETZ-ISRAEL was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, *ma'pilim* [immigrants coming to Eretz-Israel in defiance of restrictive legislation] and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood. [...]

ACCORDINGLY WE, MEMBERS OF THE PEOPLE'S COUNCIL, REPRESENTATIVES OF THE JEWISH COMMUNITY OF ERETZ-ISRAEL AND OF THE ZIONIST MOVEMENT, ARE HERE ASSEMBLED ON THE DAY OF

מגילת העצמאות של מדינת ישראל

אקריא לפניכם את מגילת היסוד של מדינת ישראל אשר אושרה בקריאה ראשונה על ידי מועצת העם:

בארץ-ישראל קם העם היהודי, בה עוצבה דמותו הרוחנית, הדתית והמדינית, בה חי חיי קוממיות ממלכתית, בה יצר נכסי תרבות לאומיים וכלל-אנושיים והוריש לעולם כולו את ספר הספרים הנצחי.

לאחר שהוגלה העם מארצו בכוח הזרוע שמר לה אמונים בכל ארצות פזוריו, ולא חדל מתפילה ומתקווה לשוב לארצו ולחדש בתוכה את חירותו המדינית.

מתוך קשר היסטורי ומסורתי זה חתרו היהודים בכל דור לשוב ולהאחז במולדתם העתיקה; ובדורות האחרונים שבו לארצם בהמונים, וחלוצים, מעפילים ומגינים הפריחו נשמות, החיו שפתם העברית, בנו כפרים וערים, והקימו ישוב גדל והולך השליט על משקו ותרבותו, שוחר שלום ומגן על עצמו, מביא ברכת הקידמה לכל תושבי הארץ ונושא נפשו לעצמאות ממלכתית. [...]

לפיכך נתכנסנו, אנו חברי מועצת העם, נציגי הישוב העברי והתנועה הציונית, ביום סיום המנדט

THE TERMINATION OF THE BRITISH MANDATE OVER ERETZ-ISRAEL AND, BY VIRTUE OF OUR NATURAL AND HISTORIC RIGHT AND ON THE STRENGTH OF THE RESOLUTION OF THE UNITED NATIONS GENERAL ASSEMBLY, HEREBY DECLARE THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL. [...]

THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations. [...]

WE APPEAL - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

WE EXTEND our hand to all neighbouring states and their peoples in an offer of peace and good neighbourliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.

WE APPEAL to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream - the redemption of Israel.

PLACING OUR TRUST IN THE "ROCK OF ISRAEL", WE AFFIX OUR SIGNATURES

הבריטי על ארץ-ישראל, ובתוקף זכותנו הטבעית וההיסטורית ועל יסוד החלטת עצרת האומות המאוחדות אנו מכריזים בזאת על הקמת מדינה יהודית בארץ ישראל, היא מדינת ישראל . [...]

מדינת ישראל תהא פתוחה לעליה יהודית ולקיבוץ גלויות; תשקוד על פיתוח הארץ לטובת כל תושביה; תהא מושתתה על יסודות החירות, הצדק והשלום לאור חזונם של נביאי ישראל; תקיים שוויון זכויות חברתי ומדיני גמור לכל אזרחיה בלי הבדל דת, גזע ומין; תבטיח חופש דת, מצפון, לשון, חינוך ותרבות; תשמור על המקומות הקדושים של כל הדתות; ותהיה נאמנה לעקרונותיה של מגילת האומות המאוחדות. [...]

אנו קוראים - גם בתוך התקפת-הדמים הנערכת עלינו זה חדשים - לבני העם הערבי תושבי מדינת ישראל לשמור על השלום וליטול חלקם בבנין המדינה על יסוד אזרחות מלאה ושווה ועל יסוד נציגות מתאימה בכל מוסדותיה, הזמניים והקבועים.

אנו מושיטים יד שלום ושכנות טובה לכל המדינות השכנות ועמיהן, וקוראים להם לשיתוף פעולה ועזרה הדדית עם העם העברי העצמאי בארצו. מדינת ישראל מוכנה לתרום חלקה במאמץ משותף לקידמת המזרח התיכון כולו.

אנו קוראים אל העם היהודי בכל התפוצות להתלכד סביב הישוב בעליה ובבנין ולעמוד לימינו במערכה הגדולה על הגשמת שאיפת הדורות לגאולת ישראל.

מתוך בטחון בצור ישראל הננו חותמים בחתימת

TO THIS PROCLAMATION AT THIS SESSION OF THE PROVISIONAL COUNCIL OF STATE, ON THE SOIL OF THE HOMELAND, IN THE CITY OF TEL-AVIV, ON THIS SABBATH EVE, THE 5TH DAY OF IYAR, 5708 (14TH MAY, 1948).

Let us receive the foundational scroll of the Jewish state - standing! Blessed are You, Lord our God, King of the Universe, Who has kept us alive, sustained us, and brought us to this time. Amen!

ידינו לעדות על הכרזה זו, במושב מועצת המדינה הזמנית, על אדמת המולדת, בעיר תל-אביב, היום הזה, ערב שבת, ה' אייר תש"ח, 14 במאי 1948.

נקבל את מגילת היסוד למדינת היהודים בעמידה!
ברוך אתה ה' אלהינו מלך העולם שהחינו וקימנו והגענו לזמן הזה! אמן.

For the full document see: <http://tinyurl.com/n7jv5zp>

Israel's Scroll of Independence - Points for Consideration

- Who is Israel's declaration of independence addressed to?
- The text mentions "rights" of various kinds. In what legal system do these "rights" exist?
- The scroll commits the State of Israel to the Charter of the United Nations. That means that Israel is bound by "human rights" and "international law", among other things. Is this a real value-based commitment? Or is this just something we needed to say to the "goyim"?
- The scroll also commits Israel to the vision of the Biblical Prophets. Can one be faithful both to the "Charter of the United Nations" and to the "Biblical Prophets"?
- What Jewish sources do you think the Scroll of Independence is drawing from?

Selections from the U.N. Charter

PREAMBLE

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
- to reaffirm faith in **fundamental human rights**, in the **dignity and worth of the human person**, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of **international law** can be maintained, and
- to promote social progress and better standards of life in larger freedom, [...]

The Purposes of the United Nations are:

1. To maintain international peace and security...
2. To develop friendly relations among nations based on respect for the principle of **equal rights** and **self-determination** of peoples...
3. To achieve international co-operation... in promoting and encouraging respect for **human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion**; [...]

Source 2

Prayer for the State of Israel

Our Father in Heaven, Rock and Redeemer of Israel, bless the State of Israel, the dawn of our redemption. Shield it with Your lovingkindness, envelop it in Your peace, and bestow Your light and truth upon its leaders, ministers, and advisors, and grace them with Your good counsel.

Strengthen the hands of those who defend our holy land, grant them deliverance, and adorn them in a mantle of victory. Ordain peace in the land and grant its inhabitants eternal happiness.

Remember our brethren, the whole House of Israel, Lead them, swiftly and upright, to Your city Zion and to Jerusalem, the abode of Your Name, as is written in the Torah of Your servant Moses: "Even if your outcasts are at the ends of the world, from there the Lord your God will gather you, from there He will fetch you. And the Lord your God will bring you to the land that your fathers possessed, and you shall possess it; and He will make you more prosperous and more numerous than your fathers. And the LORD thy God will circumcise thy heart, and the heart of thy seed, to love the LORD thy God with all thy heart, and with all thy soul, for your life."

Draw our hearts together to revere and venerate Your name and to observe all the precepts of Your Torah, and send us quickly the Messiah son of David, agent of Your vindication, to redeem those who await Your deliverance.

Manifest yourself in the splendor of Your boldness before the eyes of all inhabitants of Your world, and may everyone endowed with a soul affirm that the Lord, God of Israel, is king and his dominion is absolute. Amen forevermore.

תפילה לשלום המדינה

אבינו שבשמים, צור ישראל וגואלו, בָּרַךְ אֶת מְדִינַת
יִשְׂרָאֵל, רֹאשִׁית צְמִיחַת גְּאֻלָּתָנוּ. הִגֵּן עֲלֶיהָ בְּאַבְרַת
חֶסֶדְךָ, וּפְרֵשׁ עֲלֶיהָ סֶכֶת שְׁלוֹמְךָ, וּשְׁלַח אוֹרְךָ וְאַמְתְּךָ
לְרֹאשֵׁיהָ, שָׂרֶיהָ וְיוֹעֲצֶיהָ, וְתַקַּנָּם בְּעֲצָה טוֹבָה
מִלְּפָנֶיךָ.

חֲזַק אֶת יְדֵי מְגִנֵי אֶרֶץ קִדְשֵׁנוּ, וְהַנְחִילֵם אֶלְהִינוּ
יְשׁוּעָה וְעֲטָרַת נִצְחוֹן תַּעֲטֹרֵם, וְנִתַּת שְׁלוֹם בְּאַרְץ,
וְשִׁמְחַת עוֹלָם לְיוֹשְׁבֶיהָ.

וְאֶת אֲחֵינוּ כָּל בֵּית יִשְׂרָאֵל, פָּקֵד נָא בְּכָל אַרְצוֹת
פְּזוּרֵיהֶם, וְתוֹלִיכֶם מִהֲרָה קוֹמְמִיּוֹת לְצִיּוֹן עִירְךָ
וְלִירוּשָׁלַיִם מִשְׁכַּן שְׁמֶךָ, בְּכָתוּב בְּתוֹרַת מֹשֶׁה עֲבָדְךָ:
אִם יִהְיֶה נִדְחָךְ בְּקֶצֶה הַשָּׂמַיִם מִשָּׁם יִקְבְּצֶךָ יְהוָה
אֱלֹהֶיךָ וּמִשָּׁם יִסְחָךָ: וְהֵבִיאֲךָ יְהוָה אֱלֹהֶיךָ אֶל הָאָרֶץ
אֲשֶׁר יְרָשׁוּ אֲבוֹתֶיךָ וִירְשָׁתָהּ וְהִיטְבֵּךָ וְהִרְבֵּךָ מֵאֲבוֹתֶיךָ:
וּמִל יְהוָה אֱלֹהֶיךָ אֶת לִבְּךָ וְאֶת לִבְּב זֶרְעֶךָ לְאַהֲבָה
אֶת יְהוָה אֱלֹהֶיךָ בְּכָל לִבְּךָ וּבְכָל נַפְשְׁךָ לְמַעַן חַיֵּךְ
(דברים ל, ד-ו)

וְיִחַד לְבַבְנוּ לְאַהֲבָה וּלְיִרְאָה אֶת שְׁמֶךָ, וְלִשְׁמֹר אֶת כָּל
דְּבָרֵי תוֹרָתְךָ, וּשְׁלַח לָנוּ מִהֲרָה בּוֹ דָּוִד מְשִׁיחַ צִדְקָךָ,
לְפָדוֹת מַחְפֵּי קֶץ יְשׁוּעָתְךָ.

הוֹפֵעַ בְּהָדָר גָּאוֹן עָנָךְ עַל כָּל יוֹשְׁבֵי תֵּבֵל אֶרֶץ, וְיֹאמַר
כָּל אֲשֶׁר נְשָׁמָה בָּאֵפוֹ: יְהוָה אֱלֹהֵי יִשְׂרָאֵל מֶלֶךְ
וּמְלִכּוֹתוֹ בְּכָל מְשָׁלָה, אָמֵן סֶלָה.

Prayer for the State of Israel - Points to Consider

- What ideas are shared by both the Declaration of Independence and the Prayer for Israel?
- Are there differences or tensions between the two documents?
- Is there anything parallel in the Prayer for Israel to the Declaration's commitment to the "vision of the Biblical Prophets"? (Food for thought: Read Isaiah Chapter 2 [<http://tinyurl.com/2sfglz>] and look for key phrases)
- Is there anything parallel in the prayer to the Declaration's commitment to Human Rights and International Law?
- Might the above question about Human Rights be dependent on how we read Isaiah Chapter 2?
- The prayer opens with the statement that Israel is "the dawn of our redemption". Other translations read, "the first flowering of our redemption". What is "our redemption"? And if the return to Zion and the establishment of the modern Jewish State is its "first flowering", what does the full blossom look like?

2. Prophecy: The God of Justice

Isaiah 1

ישעיהו פרק א'

1 ¶ The vision of Isaiah the son of Amoz, which he saw concerning Judah and Jerusalem in the days of Uzziah, Jotham, Ahaz, and Hezekiah, kings of Judah. 2 ¶ Hear, O heavens, and give ear, O earth: for the LORD has spoken, I have nourished and brought up children, and they have rebelled against me. 3 The ox knows his owner, and the ass his master's crib: but Israel does not know, my people does not consider. 4 Ah sinful nation, a people laden with iniquity,

(א) חֲזוֹן יִשְׁעִיָּהוּ בֶן אָמוֹץ אֲשֶׁר חָזָה עַל יְהוּדָה וִירוּשָׁלַם בְּיָמֵי עֲזִיָּהוּ יוֹתָם אַחֲזִי יְחִזְקִיָּהוּ מְלָכֵי יְהוּדָה: (ב) שָׁמְעוּ שָׁמַיִם וְהִאֲזִינִי אֶרֶץ כִּי יִקְוֶה דְּבַר בָּנִים גִּדְּלָתִי וְרוֹמַמְתִּי וְהֵם פָּשְׁעוּ בִּי: (ג) יָדַע שׁוֹר קִנְיָהּ וְחֲמֹר אֲבוֹס בְּעֶלְיוֹ יִשְׂרָאֵל לֹא יָדַע עַמִּי לֹא הִתְבּוֹחֵן: (ד) הִיוּ גֹי חָטָא עִם כָּבֵד עוֹן זָרַע מְרַעִים בָּנִים מִשְׁחִיתִים עֲזָבוּ אֶת יִקְוֶה נֶאֱצָו אֶת קְדוּשׁ יִשְׂרָאֵל נִזְרוּ אַחֲזָר: [...]

a seed of evildoers, children that are corrupters: they have forsaken the LORD, they have provoked the Holy One of Israel to anger, they are gone away backward. [...]

10 ¶ Hear the word of the LORD, you rulers of Sodom; give ear to the law of our God, you people of Gomorrah. 11 To what purpose is the multitude of your sacrifices to me? said the LORD: I am full of the burnt offerings of rams, and the fat of fed beasts; and I delight not in the blood of bullocks, or of lambs, or of he goats. 12 When you come to appear before me, who has required this at your hand, to tread my courts? 13 Bring no more vain oblations; incense is an abomination to me; the new moons and ¶ abbaths, the calling of assemblies, I cannot away with; it is iniquity, even the solemn meeting. 14 Your new moons and your appointed feasts my soul hates: they are a trouble to me; I am weary to bear them. 15 And when you spread

(י) שָׁמְעוּ דְּבַר יִקְוֶה קִצְיָנֵי סֹדֶם הִאֲזִינוּ תוֹרַת אֱלֹהֵינוּ עִם עֲמֻרָה: (יא) לָמָּה לִּי רֹב זִבְחֵיכֶם יֹאמְרוּ יִקְוֶה שְׁבַעְתִּי עֲלוֹת אֵילִים וְחֶלֶב מְרִיאִים וְדָם פְּרִים וּכְבָשִׁים וְעִתּוּדִים לֹא חִפְצָתִי: (יב) כִּי תִבְאוּ לְרֵאוֹת פָּנַי מִי בִקֵּשׁ זֹאת מִיָּדְכֶם רִמְסֵ חֲצָרִי: (יג) לֹא תוֹסִיפוּ הִבִּיא מִנְחַת שׁוֹא קִטְרֶת תוֹעֵבָה הִיא לִי חֲדָשׁ וְשִׁבְתָּ קִרְא מִקְרָא לֹא אוֹכַל אֲנִי וְעֲצָרָה: (יד) חֲדָשֵׁיכֶם וּמוֹעֲדֵיכֶם שְׁנֵאָה נִפְשִׁי הִיוּ עָלַי לְטָרִחַ נִלְאִיתִי נִשְׂאָ: (טו) וּבְפֶרֶשְׁכֶם כְּפִיכֶם אֲעֲלִים עֵינֵי מִכָּם גַּם כִּי תִרְבוּ תִפְלֶה אֵינִנִּי שְׁמַע יְדִיכֶם דְּמִים מִלְאוּ: (טז) רַחֲצוּ הַזָּכוּ הַסִּירוּ רַע מֵעַלְלֵיכֶם מִנְגִּד עֵינֵי חֲדָלוּ הָרַע: (יז) לִמְדוּ הֵיטֵב דְּרָשׁוּ מִשְׁפָּט אֲשֶׁרוֹ חֲמוֹץ שִׁפְטוֹ יָתוֹם רִיבֹו אֱלֻמָּנָה:

forth your hands, I will hide my eyes from you: yes, when you make many prayers, I will not hear: your hands are full of blood. 16 ¶ Wash you, make you clean; put away the evil of your doings from before my eyes; cease to do evil; 17 Learn to do well; seek judgment, relieve the oppressed, judge the fatherless, plead for the widow. [...]

21 ¶ How is the faithful city become an harlot! it was full of judgment; righteousness lodged in it; but now murderers. 22 Your silver is become dross, your wine mixed with water: 23 Your princes are rebellious, and companions of thieves: every one loves gifts,

(כא) אֵיכָה הִיָּתָה לְיוֹנָה קְרִיָּה נְאֻמָּנָה מְלֵאֲתִי מִשְׁפָּט צֶדֶק יָלִין בָּהּ וְעֵתָה מְרַצְחִים: (כב) כִּסְפְּךָ הָיָה לְסִיגִים סָבָאךָ מֵהוֹל בְּמִים: (כג) שְׂרִיֶךְ סוֹרְרִים וְחִבְרֵי גִנְבִים כָּלוּ אֶהֱב שְׁחָד וְרִדָּף שְׁלֹמֹנִים יָתוֹם לֹא יִשְׁפֹּטוּ וְרִיב אֱלֻמָּנָה לֹא יָבוֹא אֲלֵיהֶם: פ

and follows after rewards: they judge not the fatherless, neither does the cause of the widow come to them.

24 Therefore said the LORD, the LORD of hosts, the mighty One of Israel, Ah, I will ease me of my adversaries, and avenge me of my enemies: 24 Therefore said the LORD, the LORD of hosts, the mighty One of Israel, Ah, I will ease me of my adversaries, and avenge me of my enemies: 25 And I will turn my hand on you, and purely purge away your

(כד) לָכֵן נָאִם הָאֱדוֹן ה' צְבָאוֹת אֲבִיר יִשְׂרָאֵל הוּא
אֲנַחֵם מִצָּרִי וְאֶנְקָמָה מֵאוֹיְבָי: (כה) וְאֶשְׁיֵבָה יָדִי
עַלֶיךָ וְאֶצְרֹף כְּבֹר סִיגֶיךָ וְאֶסִּירָה כָּל בְּדִילֶיךָ: (כו)
וְאֶשְׁיֵבָה שְׁפָטֶיךָ כְּבִרְאשָׁנָה וְיַעֲצִיד כְּבַתְחֻלָּה אַחֲרֵי
כֵּן יִקְרָא לְךָ עִיר הַצֶּדֶק קִרְיָה נְאֻמָּה: (כז) צִיּוֹן
בְּמִשְׁפָּט תִּפְדֶּה וּשְׁבִיָּה בַצֶּדֶקָה: [...]

dross, and take away all your tin: 26 And I will restore your judges as at the first, and your counselors as at the beginning: afterward you shall be called, The city of righteousness, the faithful city. 27 Zion shall be redeemed with judgment, and those that return to her with righteousness.

2:1 The word that Isaiah the son of Amoz saw concerning Judah and Jerusalem. 2 And it shall come to pass in the last days, that the mountain of the LORD's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow to it. 3 And many people shall go and say, Come you, and let us go up to the mountain of the LORD, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word

ב' (א) הַדָּבָר אֲשֶׁר חָזָה יִשְׁעִיָּהוּ בֶן אֲמוֹץ עַל יְהוּדָה
וִירוּשָׁלַם: (ב) וְהָיָה בְאַחֲרֵית הַיָּמִים נִכּוֹן יְהִיָּה הָר
בֵּית ה' בְּרֹאשׁ הַהָרִים וְנִשָּׂא מִגְבְּעוֹת וְנִהְיוּ אֵלָיו כָּל
הַגּוֹיִם: (ג) וְהָלְכוּ עַמִּים רַבִּים וְאָמְרוּ לָכֵן וְנַעֲלָה אֶל
הָר ה' אֶל בֵּית אֱלֹהֵי יַעֲקֹב וִירְנוּ מִדְּרָכָיו וְנִלְכָּה
בְּאַרְחֻתָּיו כִּי מִצִּיּוֹן תֵּצֵא תוֹרָה וּדְבַר ה' מִירוּשָׁלַם:
(ד) וְשָׁפַט בֵּין הַגּוֹיִם וְהוֹכִיחַ לַעַמִּים רַבִּים וְכִתְּתוּ
חֲרָבוֹתָם לְאַתִּים וְחִנִּיתוּתֵיהֶם לְמִזְמֹרוֹת לֹא יִשָּׂא גוֹי
אֶל גוֹי חֶרֶב וְלֹא יִלְמְדוּ עוֹד מִלְחָמָה:

of the LORD from Jerusalem. 4 And he shall judge among the nations, and shall rebuke many people: and they shall beat their swords into plowshares, and their spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war any more.

Points to Consider

- You have just finished reading selections from the first two chapters of Isaiah. Some scholars have suggested that these chapters were edited in order to present the central themes in the first Isaiah's prophecy (spanning chapters 1-39). If so, what are the central themes on the prophet's mind? Can you state his basic messages in your own words?

3:13 The LORD stands up to sue, and stands to judge the people. **14** The LORD will enter into judgment with the elders of his people, and the princes thereof: for you have eaten up the vineyard; the spoil of the poor is in your houses! **15** What mean you that you beat my people to pieces, and grind the faces of the poor? said the Lord GOD of hosts. [...]

5:8 Woe to them that join house to house, that lay field to field, till there be no place, that they may be placed alone in the middle of the earth! **9** In my ears said the LORD of hosts, Of a truth many houses shall be desolate, even great and fair, without inhabitant. **10** Yes, ten acres of vineyard shall yield one bath, and the seed of an homer shall yield an ephah.

Points to Consider (regarding Isaiah Chapters 3 and 5 above)

- What does it mean that God will sue the people? Does He have a good lawyer?
- What are God's claims against the people?
- What is the punishment?

11:1 And there shall come forth a rod out of the stem of Jesse, and a Branch shall grow out of his roots: **2** And the spirit of the LORD shall rest on him, the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and of the fear of the LORD; **3** And shall make him of quick understanding in the fear of the LORD: and he shall not judge after the sight of his eyes, neither reprove after the hearing of his ears: **4** But with righteousness shall he judge the poor, and reprove with equity for the meek of the earth: and he shall smite the earth: with the rod of his mouth, and with the breath of his lips shall he slay the wicked. **5** And righteousness shall be the girdle of his loins, and faithfulness the girdle of his reins. **6** The

wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatted calf together; and a little child shall lead them. **7** And the cow and the bear shall feed; their young ones shall lie down together: and the lion shall eat straw like the ox. **8** And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice' den. **9** They shall not hurt nor destroy in all my holy mountain: for the earth shall be full of the knowledge of the LORD, as the waters cover the sea.

ג' (יג) נָצַב לָרִיב יְקֹנֶק וְעִמָּד לְדִין עַמִּים: (יד) יְקֹנֶק בְּמִשְׁפָּט יָבוֹא עִם זִקְנֵי עַמּוֹ וְשָׁרָיו וְאַתָּם בְּעֶרְתָּם הַכָּרֶם גִּזְלַת הָעָנִי בְּבִתְיָכֶם: (טו) מַלְכֶם מִה לָכֶם תִּדְכָּאוּ עַמִּי וּפְנֵי עֲנִיִּים תִּטְחֲנוּ נְאֻם אֲדֹנָי יְקֹנֶק צְבָאוֹת: ס [...]

ה (ח) הוּא מְגִיעִי בֵּית בְּבֵית שָׂדֶה בְּשָׂדֶה יִקְרִיבוּ עַד אָפֶס מְקוֹם וְהוֹשְׁבֵתָם לְבִדְכֶם בְּקֶרֶב הָאֶרֶץ: (ט) בְּאֲזָנֵי יְקֹנֶק צְבָאוֹת אִם לֹא בָתִּים רַבִּים לְשִׁמָּה יִהְיוּ גְדֵלִים וְטוֹבִים מֵאִין יוֹשֵׁב: (י) כִּי עֲשִׂיתָ צִמְדֵי כָרֶם יַעֲשׂוּ בֵּת אֶחָת וְזֶרַע חֶמֶר יַעֲשֶׂה אֵיפָה:

יא (א) וַיֵּצֵא חֶטֶר מִגֹּזַע יֵשׁוּעַ וַנֶּצֶר מִשְׁרָשָׁיו יִפְרֶה: (ב) וַנִּחֶה עָלָיו רוּחַ יְקֹנֶק רוּחַ חֲכָמָה וּבִינָה רוּחַ עֲצָה וּגְבוּרָה רוּחַ דָּעַת וַיֵּרָאֵת יְקֹנֶק: (ג) וַהֲרִיחוּ בִּירְאֵת יְקֹנֶק וְלֹא לְמִרְאָה עֵינָיו יִשְׁפּוֹט וְלֹא לְמִשְׁמַע אָזְנוֹ יוֹכִיחַ: (ד) וְשִׁפֹּט בְּצֹדֶק דְּלִים וְהוֹכִיחַ בְּמִישׁוֹר לְעֵנָיו אֶרֶץ וְהִפָּה אֶרֶץ בְּשֹׁבֵט פִּיו וּבְרוּחַ שְׁפָתָיו יִמִּית רָשָׁע: (ה) וְהִנֵּה צֹדֶק אֲזוּר מִתְּנִי וְהֶאֱמוּנָה אֲזוּר מִלְּצִי: (ו) וְגַר זָאֵב עִם כֶּבֶשׂ וְנֹמֶר עִם גְּדִי יִרְבֹּץ וְעֹגֶל וּכְפִיר וּמִרְיָא יַחְדָּו וְנֹעַר קֶטָן נְהִיג בָּם: (ז) וּפְרָה וְדָב תִּרְעִינָה יַחְדָּו יִרְבְּצוּ לְדִדְהֶן וְאַרְיֵה כְּבָקָר יֹאכֵל תֵּבָן: (ח) וְשִׁעֲשַׁע יוֹנֵק עַל חֹר פֶּתֶן וְעַל מְאוּרֵת צִפְעוֹנֵי גְמוּל יִדּוּ הֶדְהָ: (ט) לֹא יִרְעוּ וְלֹא יִשְׁחִיתוּ בְּכָל הָר קִדְשִׁי כִּי מְלֵאָה הָאֶרֶץ דְּעָה אֶת יְקֹנֶק כַּמִּים לַיָּם מְבַסִּים:

Points to Consider

- In Isaiah 11 (immediately above) and in Isaiah 2 (on page 10), are two of Isaiah's most famous visions of the Messianic future. Isaiah's vision includes clearly universalistic elements, like judgement and justice for all nations, and clearly particularistic elements, like the "God of Israel" and the Temple Mount. What is the relationship between these elements?

1 O Lord, you are my God; I will exalt you, I will praise your name; for you have done wonderful things; your counsels of old are faithfulness and truth. 2 For you have made of a city an heap; of a defended city a ruin: a palace of strangers to be no city; it shall never be built.³ Therefore shall the strong people glorify you, the city of the terrible nations shall fear you. 4 For you have been a strength to the poor, a strength to the needy in his distress, a refuge from the storm, a shadow from the heat, when the blast of the terrible ones is as a storm against the wall. 5 You shall bring down the noise of strangers, as the heat in a dry place; even the heat with the shadow of a cloud: the branch of the terrible ones shall be brought low.

6 And in this mountain shall the LORD of

כה (א) יְקֹנֶה אֱלֹהֵי אֶתְּהָ אֶרֶמוֹמֶךְ אוֹדָה שְׁמֶךְ כִּי
עֲשִׂיתָ פֶלֶא עֲצוֹת מִרְחוֹק אֱמוּנָה אֱמֹן: (ב) כִּי שְׁמֶתְ
מַעִיר לְגַל קִרְיָה בְּצוּרָה לְמַפְלָה אֶרְמוֹן זָרִים מַעִיר
לְעוֹלָם לֹא יִבְנֶה: (ג) עַל כֵּן כִּבְדוֹךְ עִם עַז קִרְיַת גּוֹיִם
עֲרִיצִים יִירָאוּךְ: (ד) כִּי הִיִּיתָ מַעֲזוֹ לְדָל מַעֲזוֹ לְאַבְיוֹן
בְּצֹר לֹא מִחֶסֶה מִזָּרִים צֶל מִחֶרֶב כִּי רוּחַ עֲרִיצִים כְּזָרִים
קִיר: (ה) כְּחֶרֶב בְּצִיּוֹן שְׂאוֹן זָרִים תִּכְנִיעַ חֶרֶב בְּצֶל
עַב זְמִיר עֲרִיצִים יַעֲנֶה: פ

(ו) וְעָשָׂה יְקֹנֶה צְבָאוֹת לְכָל הָעַמִּים בְּהָר הַזֶּה מִשְׁתָּה
שְׁמִנִים מִשְׁתָּה שְׁמִרִים שְׁמִנִים מִמַּחִים שְׁמִרִים
מִזְקָקִים: (ז) וּבָלַע בְּהָר הַזֶּה פְּנֵי הַלּוֹט הַלּוֹט עַל כָּל
הָעַמִּים וְהַמַּסְכָּה הַנְּסוּכָה עַל כָּל הַגּוֹיִם: (ח) בָּלַע
הַמּוֹת לְנֶצַח וּמָחָה אֲדָנִי יְקֹנֶה דְּמָעָה מַעַל כָּל פְּנִים
וְחָרַפְתָּ עִמּוֹ יִסִּיר מַעַל כָּל הָאָרֶץ כִּי יְקֹנֶה דָּבָר: פ

hosts make to all people a feast of fat things, a feast of wines on the lees, of fat things full of marrow, of wines on the lees well refined. 7 And he will destroy in this mountain the face of the covering cast over all people, and the veil that is spread over all nations. 8 He will swallow up death forever; and the Lord GOD will wipe away tears from off all faces; and the rebuke of his people shall he take away from off all the earth: for the LORD has spoken it.

Points to Consider

- In the first paragraph above (Isaiah 25:1-5), the prophet sings a song of praise to God. What can you learn from the song about the vision of the prophet?
- In the second paragraph (Isaiah 25:6-8), Isaiah provides further details about the End of Days. What do they mean?
- In conclusion, can you sum up in your own words what Isaiah believes that God wants for the world? We will pay particular attention to the relationship between Israel and humanity, the particular and the universal, in his vision.

2. Talmud: The Rule of Law

Devarim 16:20

Justice, justice shall you follow, that you may live, and inherit the land which the LORD your God gives you.

Sifrei Devarim 144:20

"That you may live, and inherit the land" - this teaches that appointing judges is worthy of resurrecting the People Israel, returning them to their land and protecting them from the sword.

Points to Consider

- Does the midrash express the simple meaning of the verse? If not, where might its interpretation come from?
- Regarding the text below: We saw that Isaiah envisioned that "Torah" would go forth from Zion to the world. And we asked, what Torah would that be (what is written in the Torah addressed to all human beings)? How do the sages answer that question?

Bavrli Sanhedrin 56a-b

Our Rabbis taught: seven precepts were the sons of Noah commanded: laws [dinim]; to refrain from blasphemy, idolatry; adultery; bloodshed; robbery; and eating flesh cut from a living animal.

R. Hanania b. Gamaliel said: Also not to partake of the blood drawn from a living animal. R. Hidka added emasculation. R. Simeon added sorcery. R. Jose said: The heathens were prohibited everything that is mentioned in the section on sorcery, that is, (Deut. 18:1-12) "There shall not be found among you any one, that maketh his son or daughter to pass through the fire, or that useth divination, or an observer of times, or an enchanter, or a witch, or a charmer, or a

consulter with familiar Spirits, or a wizard, or a necromancer. For all that do these things are an abomination unto the Lord: and because of these abominations the Lord thy God doth drive them out from before thee." Now, [the Almighty] does not punish without first prohibiting. [Soncino notes: Therefore, since it is stated that they are being expelled as a punishment for these sins, they must first have been warned (i.e. prohibited) against them.]

Points to Consider

- Can you state in your own words what the sages are arguing about?

דברים טז (כ)

צֶדֶק צֶדֶק תִּרְדּוּף לְמַעַן תַּחֲיֶה וְיָרֵשֶׁת אֶת הָאָרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לְךָ:

ספרי דברים: קמ"ד כ

למען תחיה וירשתה את הארץ, מלמד שמנוי הדיינים כדיי הוא להחיות את ישראל ולהושיבם על אדמתם ושלא להפילם בחרב.

בבלי סנהדרין נו א-ב

תנו רבנן: שבע מצות נצטוו בני נח: דינין וברכת השם ע"ז גילוי עריות ושפיכות דמים וגזל ואבר מן החי.

רבי חנניה בן גמלא אומר: אף על הדם מן החי. רבי חידקא אומר: אף על הסירוס. רבי שמעון אומר: אף על הכישוף. רבי יוסי אומר: כל האמור בפרשת כישוף - בן נח מזהר עליו (דברים יח:יב) לא ימצא בך מעביר בנז ובתו באש קסם קסמים מעונן ומנחש ומכשף וחבר חבר ושאל אוב וידעני ודורש אל המתים וגו' ובגלל התועבת האלה יקנא אלהיך מוריש אותם מפניך, ולא ענש אלא אם כן הזהיר. [...]

- What is the logic of R. Jose's position (on the previous page)? How does he deduce from scripture what part of the Torah applies to all people?

The Talmud continues from above...

Whence do we know this? — R. Johanan answered: The Writ saith: And the Lord God commanded the man saying, of every tree of the garden thou mayest freely eat. (Gen. 2:16), "[And the Lord God] commanded" refers to the laws [dinim], as it is written, "For I know him, that he will command his children and his household after him, and they shall keep the way of the Lord, to do justice and judgment." (Gen. 18:19).

When R. Isaac came, he taught a reversed interpretation: "And commanded" refers to idolatry; "God" [Heb. Elohim], refers to social laws [dinim]... "Elohim" may rightly refer to social laws, as it is written, (Ex. 12:7) "And the master of the house shall be brought unto elohim [i.e., the judges]...

Points to Consider

- How does R. Yochanan learn "the seven Noachide laws" from Genesis 2? Clearly, this is not the simple meaning of the verse. Why do you think that R. Yochanan chose to drash this verse in particular? (What does this tell you about the nature of midrash?)
- What is the connection between "dinim" (the social laws) and the verses quoted? See below for the context of the verses.

Rabbi Yochanan learned that the words "He Commanded" [which appear in Genesis 2:16] refer to the social laws [dinim] through reflecting on Genesis 18:19

17 And the LORD said, Shall I hide from Abraham that thing which I do; 18 Seeing that Abraham shall surely become a great and mighty nation, **and all the nations of the earth shall be blessed in him?** 19 **For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment;** that the LORD may bring on Abraham that which he has spoken of him.

20 And the LORD said, Because the cry of Sodom and Gomorrah is great, and because

מנהני מילי? אמר ר' יוחנן דאמר קרא (בראשית ב:טז) וַיֹּצֵא ה' אֱלֹהִים עַל הָאָדָם לֵאמֹר מִכָּל עֵץ הָגֶן אָכַל תֹּאכֵל: "וַיֹּצֵא", אלו הדינים, וכן הוא אומר (בראשית יח:יט) כִּי יִדְעֲתִיו לְמַעַן אֲשֶׁר יֵצֵא אֶת בָּנָיו [וְאֶת בֵּיתוֹ אַחֲרָיו וְשִׁמְרוּ דֶּרֶךְ ה'] לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט [...]]

כי אתא רבי יצחק תני איפכא: ויצו - זו עבודה זרה, אלהים זו דינים. בשלמא אלהים זו דינים - דכתיב + שמות כ"ב+ ונקרב בעל הבית אל האלהים. אלא ויצו זו עבודה זרה

רבי יוחנן לומד "דינים" מ"ויוצו" בגלל בראשית יח,ט:

(יז) וַיִּקְרָא אֶמֶר הַמַּכְסָּה אֲנִי מֵאַבְרָהָם אֲשֶׁר אֲנִי עֹשֶׂה? (יח) וַאֲבָרְכֶם הִיוּ יְהִיָּה לְגוֹי גָּדוֹל וְעָצוֹם וְנִבְרָכּוּ בּוֹ כָּל גּוֹיֵי הָאָרֶץ: (יט) כִּי יִדְעֲתִיו לְמַעַן אֲשֶׁר יֵצֵא אֶת בָּנָיו וְאֶת בֵּיתוֹ אַחֲרָיו וְשִׁמְרוּ דֶּרֶךְ יִקְרָא לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט לְמַעַן הִבִּיא יִקְרָא עַל אַבְרָהָם אֶת אֲשֶׁר דִּבֶּר עָלָיו:

(כ) וַיֹּאמֶר יִקְרָא וְעַקְתָּ סָדִם וְעַמְרָה כִּי רָבָה וְחִטָּאתָם כִּי כְבֹּדָה מֵאֵד: (כא) אַבְרָהָה נָא וְאַרְאַה הַכְּצַעֲקָתָהּ הַבָּאָה אֵלַי עֲשׂוּ כָלָה וְאִם לֹא אֲדַעָה: [...]

(כג) וַיִּגַּשׁ אַבְרָהָם וַיֹּאמֶר הֲאֵף תִּסָּפֶה צָדִיק עִם רָשָׁע! (כד) אוֹלֵי יֵשׁ חֲמִשִּׁים צָדִיקִים בְּתוֹךְ הָעִיר הֲאֵף תִּסָּפֶה וְלֹא תִשָּׂא לְמָקוֹם לְמַעַן חֲמִשִּׁים הַצָּדִיקִים

their sin is very grievous; 21 I will go down now, and see whether they have done altogether according to the cry of it, which is come to me; and if not, I will know. [...]

23 ¶ And Abraham drew near, and said, Will you also destroy the righteous with the wicked? 24 Peradventure there be fifty righteous within the city: will you also destroy and not spare the place for the fifty righteous that are therein? 25 That be far from you to do after this manner, to slay the righteous with the wicked: and that the righteous should be as the wicked, that be far from you: **Shall not the Judge of all the earth do right?**

אֲשֶׁר בְּקִרְבָּהּ: (כה) חָלָלָה לָךְ מַעֲשֵׂת כְּדִבְרֵי הַזֶּה
לְהַמִּית צַדִּיק עִם רָשָׁע וְהִיא כְּצַדִּיק כְּרָשָׁע חָלָלָה לָךְ!
הַשֹּׁפֵט כָּל הָאָרֶץ לֹא יַעֲשֶׂה מִשְׁפָּט!?

R. Yitschak learned that the word "God" (Elohim) appearing in Genesis 2:16 refer to the social laws (dinim) through reflecting on Ex. 22:7

רבי יצחק לומד "דינים" מ"אלוהים" עקב שמות כב:ז

7 If a man shall deliver to his neighbor money or stuff to keep, and it be stolen out of the man's house; if the thief be found, let him pay double. 8 If the thief be not found, **then the master of the house shall be brought to the judges [Elohim]**, to see whether he have put his hand to his neighbor's goods. 9 For all manner of trespass, whether it be for ox,

(ו) כִּי יִתֵּן אִישׁ אֶל רֵעֵהוּ כֶּסֶף אוֹ כְּלִים לְשֹׁמֵר וְנִגְנַב מִבֵּית הָאִישׁ אִם יִמָּצֵא הַגָּנֵב יִשְׁלַם שְׁנַיִם: (ז) אִם לֹא יִמָּצֵא הַגָּנֵב וְנִקְרַב בְּעַל הַבַּיִת אֶל הָאֱלֹהִים אִם לֹא שָׁלַח יָדוֹ בְּמִלְאֲכַת רֵעֵהוּ: (ח) עַל כָּל דִּבְרֵי פֶשַׁע עַל שׂוֹר עַל חֲמוֹר עַל שֶׂה עַל שְׁלָמָה עַל כָּל אֲבֹדָה אֲשֶׁר יֹאמַר כִּי הוּא זֶה עַד הָאֱלֹהִים יָבֹא דִּבְרֵי שְׁנֵיהֶם אֲשֶׁר יִרְשִׁיעוּ אֱלֹהִים יִשְׁלַם שְׁנַיִם לְרֵעֵהוּ:

for ass, for sheep, for raiment, or for any manner of lost thing which another challenges to be his, the cause of both parties shall come before the judges [Elohim]; and whom the judges [Elohim] shall condemn, he shall pay double to his neighbor.

Points to Consider

- How do R. Yochanan and R. Yitschak learn that their respective words ("commanded" or "Elohim") teach about the social laws (dinim)?
- How might their different ways of learning about dinim reflect different conceptions of what dinim are? (If R. Yochanan is right, what does that say about the nature of the dinim? And if R. Yitschak is right? Can they both be right?)
- In light of the above question, what are the dinim? How should we think about them? See the next page for some classical medieval answers...

Ramban (1194 – 1270) on dinim (from his commentary on Genesis 34:13)

In my opinion, the meaning of "laws" [dinim] which the Rabbis counted among the seven Noachide commandments is not just that they are to appoint judges in each and every district, but God commanded them concerning [laws]...similar in scope to the laws with which Israel was charged...

Ramban on Lev. 18:4

You shall do my laws, and keep my ordinances, to walk therein: I am the LORD your God. (Lev. 18:4).

[In his commentary on the above verse, the Ramban first quotes Rashi's interpretation:] "You shall do my laws", these are matters written in Torah that even if they were not written, reason requires they be legislated, this is Rashi's interpretation...

[Now the Ramban gives his own interpretation:] And the simple meaning is that the term laws [mishpatim] should be understood in the simple meaning of this

term: It is a reference to the social laws [dinim] stated in [the legal code entitled] "these are the laws" (eleh hamisphatim - Ex. 21:1) and throughout the Torah. In characterizing these laws, God says "which if a man do, he shall **live** by them" (Lev. 18:5) - because the social laws [dinim] were given for the **life of humanity**, through establishing civilized communities and peace among human beings, and through preventing people from injuring their fellows or killing them.

Points to Consider

- Try to state in your own words how the Ramban understands the concept of "dinim".
- Do we still have dinim today?
- The idea of "mitsvat dinim", the Noachide commandment of the social laws, is that God commands the just rule of law for all human beings - all of them - wherever and whoever they are. Are we fulfilling our divine obligation? If not, how might we fulfil it?

רמב"ן על דינים (מפירושו לבראשית לד יג)

ועל דעתי הדינין שמנו לבני נח בשבע מצות שלהם אינם להושיב דיינין בכל פלך ופלך בלבד, אבל צוה אותם [בדינים]...בענין הדינין שנצטוו ישראל...

רמב"ן על ויקרא יח:ד

את משפטי תעשו ואת חקתי תשמרו ללכת בהם אני ה' אלהיכם: (ויקרא יח ד)

את משפטי תעשו - אלו דברים האמורים בתורה שאילו לא נאמרו בדין היה לאומרן, לשון רש"י. .. ועל דרך הפשט, "משפטי" כמשמען, הדינין האמורים בפרשת "ואלה המשפטים" ובכל התורה, ולכך יאמר אשר יעשה אותם האדם וחי בהם - כי הדינים נתנו לחיי האדם בישוב המדינות ושלום האדם, ושלא יזיק איש את רעהו ולא ימיתנו.

4. Rambam: The Purpose of the Human Species

Selections from the Guide 2:40

IT has already been fully explained that man is political by nature and that it is his nature to live in society... He is, as you know, the highest form in the creation, and he therefore includes the largest number of constituent elements; this is the reason why the human race contains such a great variety of individuals...two persons may be so different from each other in every respect that they appear to belong to two different species! Whilst one person is so cruel that he kills his youngest child in his anger, another is too delicate and faint-hearted to kill even a fly or worm...The great variety of the human species, together with the fact that they are naturally social animals, necessitates...agreed upon laws [so that]...the community becomes well ordered.

[The Rambam says that there are two kinds of laws: Those that were legislated by God and those that are only based on human opinion ("nomos"). Then, he teaches us how to distinguish between divine and merely human laws:]

If you find a Law that its sole object is...the ordering of the state and its affairs, and the abolition of injustice and oppression, and if in that Law attention is not at all directed toward speculative matters, no heed is given to perfecting the rational faculty, and no regard is accorded to opinions being correct or faulty...you must know that that Law is merely nomos [it did not come from God]...

If, on the other hand, you find a Law that aims, like the law just mentioned, at the improvement of the material interests of the people, but also at the soundness of human consciousness [or "belief" or "knowledge"], taking pains to teach correct ideas about God...and to make people wise, to give them understanding, and to awaken their attention, so that they grasp an accurate knowledge of the Universe - you must know that this guidance comes from God, may God be exalted, and that this Law is divine. [...]

The question which now remains to be settled is this: Is the person who proclaimed the Law the same perfect man that received it by prophetic inspiration, or a plagiarist, who has stolen it from a true prophet? In order to answer this question, we must examine the merits of the person...[If the guy who proclaimed the law is into a lot of sex and other physical pleasures, explains the Rambam, he's not the guy who received the divine communication.]

Points to Consider

- You're handed a book of laws. How can you know, according to the Rambam, whether or not the book you hold was written by God?
- For the Rambam, the Torah is a "Law" like the ones referred to above: It's a legal and political platform upon which to build a well ordered community. Is the Torah a divine Law? Or merely "nomos"? How can you know?
- What the Rambam calls "divine" is a Law aimed at the material and spiritual well being of humanity. What makes such a law "divine"? What's "God" got to do with it?

Selections from the Guide 3:27

THE general object of the Law is twofold: the well-being of the soul, and the well-being of the body. The well-being of the soul is promoted by true ideas communicated to the people according to their capacity [that enable them to cleave to God and serve from love]...The well-being of the body is established by a proper management of the relations in which we live one to another. This we can attain in two ways: first by removing all violence from our midst...Secondly, by teaching every one of us such moral qualities as must produce a good social state.

Of these two objects, the one, the well-being of the soul...comes undoubtedly first in rank, but the other, the well-being of the body, the government of the state, and the establishment of the best possible relations among people, is...is required first; it is also treated [in the Law] most carefully and most minutely, because the well-being of the soul can only be obtained after that of the body has been secured.

For it has already been found that man has a double perfection: the first perfection is that of the body, and the second perfection is that of the soul. The first perfection consists in being healthy and in the very best bodily state, and this is only possible through his finding the things necessary for him whenever he seeks them. These are his food and all the other things needed for the governance of his body, such as shelter, bathing, and so forth...His ultimate perfection [the second perfection, that of the soul] is to realize his rational potential...

...the Law of our teacher Moses has for its purpose to give us the twofold perfection. It aims first at the establishment of good mutual relations among people by removing injustice and creating the noblest feelings...Secondly, it seeks to train us in faith, and to impart true ideas when the intellect is sufficiently developed...

Scripture clearly mentions the twofold perfection, and tells us that its acquisition is the object of all the divine commandments. Comp. "And the Lord commanded us to do all these statutes, to fear the Lord our God, for our good always, that he might preserve us alive as it is this day" (Deut. vi. 24). ...I explain the words, "for our good always," to mean that we may come into the world that is all good and eternal, where we may live permanently; and the words, "that he might preserve us alive as it is this day," I explain as referring to our first and temporal existence, to that of our body, which cannot be in a perfect and good condition except by the co-operation of society, as has been shown by us.

Points to Consider

- What is the purpose of the Torah according to the Rambam?
- Is the Torah divine? How do you know? (Does it matter if Biblical criticism is true?)
- Let's say we set up a Torah state and live according to the Torah. Based on the Rambam, how can we know if the Torah is achieving its goals?

Mashiach, Mashiach, Mashiach...and the Complete Redemption

The Laws of Kings 11:3

Do not think that the King Mashiach must work signs and wonders, create new things, resurrect the dead, or the other things that fools say; it is not so!

הלכות מלכים, יא: ג

אל יעלה על דעתך שהמלך המשיח, צריך לעשות אותות ומופתים, ומחדש דברים בעולם, או מחיה מתים, וכיוצא בדברים אלו שהטפשים אומרים; אין הדבר כן

The Laws of Kings 12:1-2

Do not think that in the days of the Mashiach, the laws of nature will change, or there will be some innovation in the created world; rather the world will continue according to its ways...

הלכות מלכים, יב:א-ב

אל יעלה על הלב שבימות המשיח, יבטל דבר ממנהגו שלעולם, או יהיה שם חדוש במעשה בראשית; אלא עולם כמנהגו הולך...

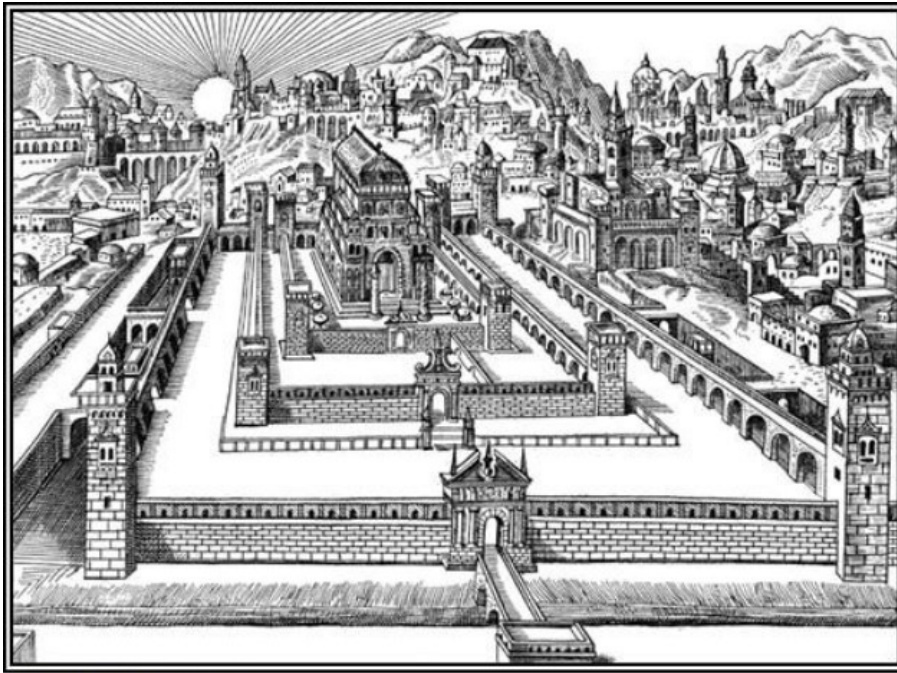
The Sages have said; the only difference between our days, and the days of the Mashiach, is political oppression...

אמרו חכמים, אין בין העולם הזה לימות המשיח, אלא שעבוד מלכיות בלבד...

Points to Consider

- Will you know the Mashiach when you see him?
- The Rambam teaches that the real Mashiach is the one who implements the Divine Law and thus heals the body and soul of Israel and humanity. If humanity was healthy, in body and in soul, as individuals and as a collective, what would people be like? Describe them!
- Do you think you know what God wants for the human species?

The End of Days



Amsterdam Haggadah 1695

"If, however, you have achieved perfection in the natural things and have understood divine science,
you have entered into the ruler's place **into the inner court** and are with him in one habitation."
The Guide 3:51

Mishneh Torah, Sho'fetim, Melachim, Chapter 12

הלכות מלכים, פרק יב.

Based on Machon Mamrei's Version

נוסח מכון ממרא

4] The Sages and the prophets did not yearn for the days of the Messiah to have dominion over the world, or rule over the gentiles, or be exalted by the nations, or to eat, drink, and celebrate. Rather, they desired to be free to devote themselves to Torah and her wisdom, with no one to oppress or disturb them, so that they would merit the world to come, as explained in *Hilchot Teshuvah*.

ד] לא נתאוו הנביאים והחכמים ימות המשיח--
לא כדי שישלטו על כל העולם, ולא כדי שירדו
בגויים, ולא כדי שינשאו אותם העמים, ולא כדי
לאכל ולשתות ולשמח: אלא כדי שיהיו פנוין
בתורה וחקמתה, ולא יהיה להם נוגש ומבטל,
כדי שיזכו לחיי העולם הבא, כמו שבארנו
בהלכות תשובה.

5] In that era, there will be neither famine nor war, neither jealousy nor strife. Blessings will be abundant, comforts within the reach of all. The one preoccupation of the whole world will be to know God. Thus they will become greatly wise, and will know hidden and deep matters; grasping the knowledge of their Creator to the utmost capacity of the human mind, as it is written, (Isaiah 11:9), "[They will not hurt nor destroy in all My holy mountain] for the earth shall be full of the knowledge of the Lord as the waters cover the sea."

ה] ובאותו הזמן, לא יהיה שם לא רעב ולא
מלחמה ולא קנאה ותחרות--שהטובה תהיה
משפעת הרבה, וכל המעדנים מצויין בעפר. ולא
יהיה עסק כל העולם, אלא לדעת את ה' בלבד.
ולפיכך יהיו חכמים גדולים, ויודעים דברים
הסתומים העמוקים; וישיגו דעת בוראם כפי כוח
האדם, שנאמר "[לא ירעו ולא ישחיתו בכל-הר
קדשי] כי-מלאה הארץ דעה את ה' במים לים
מכסים (ישעיהו יא:ט)

4. Rakha: The Court of Nations on the Temple Mount

The Rakha is Rabbi Khayyim Hirschensohn, 1857 (Israel) - 1935 (United States).

Source 1.

סברת כת"ר [כבוד תורתו] בחלוקו בין ז' מצות ב"נ [בני נח] למצות בני ישראל כי יסוד כונת ז' מצות בני נח הוא תיקן המדינה ואחוות בני אדם, ויסוד מצוות ישראל הוא להתנהג על פי כונת רוח התורה[,], החלוק הוא נכון מאד כאשר באר כת"ר בארוכה, אבל...לא נפחת חובת ישראל לאחוות המדינה ותיקונה מן חובת בני נח לזה אם נוסף לישראל חובה לעשות כרוח התורה...[כלומר, אין היהודי] נפטר מחובתו להאנושי[ו]ת ח"ו [חס ושלום] כזאת לא יאמר, רק שע"י התורה נתקשר בקאנסטיטושאן מיוחד איך לשמור את חובותיו להאנוש[ו]ת בכלל ולעמו ולאלהיו בפרט...
(מכתב אל הרב מיכאל ליכטענשטיין, 1921, מופיע במלכי בקדש, כרך ד', עמ' 124.)

You suggested in your analysis that we must distinguish between the seven Noachide laws, which are primarily concerned with [establishing] good government and the kinship of humanity, and the Commandments of Israel, which are concerned with behaving according to the spirit of the Torah. This distinction is true as you made clear in your extensive discussion...however, [when Israel received the Torah and the Jews were no longer obligated by the "seven Noachide Laws" and became obligated instead by the Torah] that did not lessen the obligation of Israel to foster a feeling of kinship among people and to seek good government in comparison to the children of Noach, but rather Israel carries an additional obligation to act in the spirit of the Torah...[that is to say that the Jew is not] removed from his obligation towards humanity, God forbid - such a thing cannot be said!, but rather through the Torah he is bound by a special constitution determining how he fulfils his obligation to humanity in general, and to his people and God in particular...

(Letter to Rabbi Michael Lichtenstein, 1921, appears in Malki BaKodesh, Vol. 4, pg. 124.

Points to Consider

- How does the Rakha understand the relation between Israel and Humanity?
- What is the meaning of the Noachide Laws and how is Israel involved in them?

Source 2.

*[Introduction to Source 2: The words "you shall not leave one soul alive" (Deut. 20:16) have traditionally been understood to command genocide against the seven nations of the Land of Israel if they refuse to vacate the land or accept slavery to the Jews. The Rambam rules that even though the seven nations no longer exist, if they did, we would be commanded to kill them even today: "anyone who meets one of them and doesn't kill him has violated a negative commandment as it is written, 'you will not leave one soul alive'" (Hilchot Shoftim 5:4). The Rakha addresses what this means for the modern Jewish State. The following selections are drawn from **Eleh Divrei Habrit**, Vol. 1, pg. 69ff]*

It is forbidden for the People Israel to violate international laws even when they contradict Jewish Law.

...there is no longer any obligation of "you will leave no soul alive", even if we knew that our enemies were from those seven nations, and not only is there no obligation upon us it is also forbidden to violate international law that was covenanted upon in the covenants of peoples [about] how to act in war, and God forbid that Israel should be considered in the eyes of the nations as wild-men murdering people in opposition to international laws and in opposition to the laws of civilization...

And in any case, desecrating God's name in the eyes of the nations is as forbidden as [desecrating God's name] in the eyes of Israel, and there is no desecration of God's name that is greater than violating international law by "not leaving one soul alive"...

And in light of all this, even if Sanheriv had not mixed up all the nations and the seven nations were in the Land of Israel and we were at war with them, we would not "utterly obliterate them" so to "leave no soul alive" because these are not commandments for all generations as I have explained, and it is in opposition to the laws of the nations, and we are forbidden from doing so, and there is no atonement for desecrating God's name...

And after this introduction we know that in the times of the Mashiach even if there are [people] from the seven nations in the Land, even if we know their ancestry, we will not "utterly destroy them", but rather if they don't seek our detriment we will live with them in peace. And there is no doubt that there will be [people] from all of these nations in the Land, even though Sanheriv the King of Assyria came and mixed up all the nations (Yadayim 4:4), this doesn't mean that none of them were left...

Points to Consider

- Do you see a connection between the Rakha's statements in Source 1, above, and his position in regard to genocide and international law in Source 2?

Source 3.

Malki Bakodesh, Part One, Question 2

מלכי בקדש, חלק א', שאלה ב'

It's not far out to think that this period [the establishment of modern Israel] is the one about which Isaiah prophesied "In the days to come, the Mount of the Lord's house shall stand firm above the mountains, and tower above the hills, and all the nations shall stream towards it" ...for Torah and for illumination...

ולא רחוק לחשוב כי על העת הזאת נבא ישעיהו "כי נכון יהיה הר בית ה' בראש ההרים ונשא מגבעות וינהרו אליו כל הגוים...לתורה ואורה ללמוד מדרכיו ולילך באורחותיו..."

and this is because in this House will be the Hall of Peace - but not like the Hall of Peace in the Hague, where the peace representatives bow down before the glory of those whose power casts its shadow over the world of life, and any hint that some ruler has done injustice is considered a rebellion. And it will be more than the League of Nations established by the "father of national morality" President Wilson, which in any case has more good will than legal power,

אין זאת כי אם שבבית הזה יהיה היכל השלום, אך לא היכל השלום כאשר "בהאג" אשר צירי השלום כרעו והשתחוו ביראת הכבוד לפני הנותנים חתימתם בארץ החיים, וכל רמז של אי צדק למי ממלכי ארץ נחשב כמרד. גם יותר יהיה מאגודת העמים (ליג אף ניישאנס) אשר הציע "אבי המוסר הלאומי" פרזידנט ווילסאן, אשר עכ"פ יהיה בו רצון עמי האגודה יותר חזק מן עומק הדין,

but rather it will be the "Court of Nations" which will judge the peoples in justice and the nations with righteousness...and the corrupted idea that nationalism justifies iniquity and evil will be banished, and there will be justice for every nation and for every individual, for each one has the right to develop in his own unique way, but without damaging his fellow, and there will be no more oppression...nation shall not take up sword against nation, neither will they learn war anymore...

רק יהיה "היכל משפט העמים" (קארט אף ניישאנס) אשר ישפוט עמים בצדק ולאומים במשרים, והזדון לא ימשול עוד בארץ, ותבטל הדעה הנשחתה כי לטובת הלאומיות מותר לעשות זדון ורשע, וצדק כל עם יהיה שווה לצדק כל איש אשר לכל אחד יש לו הזכות להתפתח לפי תכונותיו אף לא ליגע בזכות חברו, ולא ימשול איש באיש ולא עם בעם ולא עם באיש ולא איש בעם לרע לו ע' קהלת ח:ט, לא ישא גוי אל גוי חרב ולא ילמדו עוד מלחמה...

Points to Consider

- And our prophet Isaiah appears again! How does the Rakha understand the prophetic vision? Think back to the stages that we've seen (Talmud: the Rule of Law and Maimonides: the Purpose of the Human Species.)

7. Rav Kook: Zionism in the Service of Humanity

An Essay from Orot, "Lights", by Rabbi Abraham Isaac Hakohen Kook

(trans. by Ben Zion Bokser)

THE SOUL OF NATIONHOOD AND ITS BODY

There must necessarily be a gap between the abstract, ideal content of the universal objective and its expression in reality, between the good intention that inspires a person at the heights of his spiritual life and the spirit that is with him always, to guide his way and his behavior. Were it not for this difference in gradation the pattern of behavior would become blurred, existence could not retain its stability, there would be no fixed rules or boundaries. The particular programs and goals that are the foundation of the world and the fullness therefore could not exist.

When the lofty ideals that have their being in a state of nondetermination, in the roots of the soul and its basic aspirations, become confined within a particular boundary, they at once lose their ardor and descend from the heights of their potency. They gain a practical advantage and become accessible to effectuation through their limitation, but they lose the higher purity they had before their incarnation within their assigned form. Their light has dimmed; at times it loses much of its brightness, reaching a point of near darkness out of its functional necessity. Then the ideals carry this mission: after they have entered the practical world, to return to that level of loftiness and purity and to that majesty of scope and quality which they had while they were being shaped in the realm of the imagination. The success of this process will depend on the extent of the light's materialization. If it has not been overly materialized and if it has not descended too far from its lofty heights, then the road of the higher penitence will be open, and the ideals will readily find a clear pathway leading back to their spiritual essence.

But even if the extent of materialization is minor, everything may yet turn to naught through an overpowering desire for the heights, which may stir within the limited boundaries. In a great effort to ascend to their conceptual roots, these "materialized" ideals may lose their practical attributes, which would contravene the planned order of materialization. If this desire should be so strong as to break the confinements, and thereby effect a wide separation between the ideals in their essence and their incorporation in the special world of action and limitation, then the light will of necessity be diminished in order to contain this excessive desire.

The light will then release its rays in delimited measure, and they will make their way at a slow pace. They will send flashes across the boundaries and they will release sparks time after time from the original exalted light of eternity. From the abstract goals there will reach out channels to carry the dew of a higher life within the boundaries, the particularized forms, and this dew is the dew of light and it will banish the darkness and illumine life. Then will the world be built anew, heaven and earth will kiss, and the joy of creation will become manifest. This process is at work in the case of the individual, the nation, the world and all existence.

The love for the nation, or, more broadly, for humanity, is adorned at its source with the purest ideals, which reflect humanity and nationhood in their noblest light. In the conceptual world these are entities full of majesty and beauty, delight and life, mercy and truth, justice and humility, valor and joy, intelligence and feeling. They are in a state of continuing progress, which brings joy to every noble heart. This is how they appear in the conceptual world. But when they enter the world of action, and are set within boundaries, at once some elements of the higher light disappear. The large *aleph* becomes a small *aleph*. The obstructions of life multiply. The agitation of anger and fear, of hostilities and arrogance, grow and fill the atmosphere. Humanity, on the practical level, robes itself in soiled garments; its many lights fall into hard shells in which it is wrapped. The one who loves it as it is will be unable to rise toward a higher life. He is rather likely to absorb into himself the filth accumulated within it than the holy sparks hidden in its secret places. The same applies to the status of a particular nationalism, which includes also our own nation.

Inestimably beautiful is the ideal of establishing a chosen people, a kingdom of priests and a holy nation, out of a people sunk in frightful servitude, the brilliance of whose patriarchal origin shall illumine its darkness. In the divine heights, this ideal abides in the secret hiding place in its purity. But it must be materialized, set within a particular boundary, among people with good and also evil passions, in communities in need of sustenance, of gaining a foothold on the land, of governmental authority. The collective life must allow room for everybody, from the heights of people of pure spirit and refined souls to the lowland of inferior people who are bound to pursue the lower aspects of existence. Mortal eyes, bleary, lose all their brightness, the spiritual dimension becomes enslaved and darkened in the darkness of life, which abounds with filth and refuse. Humanity in its limited form, which is pervaded with abominations more than with refinement and light, is therefore likely to influence its devotees with evil and gross darkness. This is the source of the evil in liberalism. And when the

particular nationalisms robed themselves in the thick garments of worldliness, humanity, too, descended from its heights. The nationhood of the Jewish people was broken so that it ceased functioning, and what is left is only the highest dimension of its basic conception, hidden in the ideal of reviving the nation in the highest dimension of its purity.

Streams of light can descend from this august position to revive the edifice of the nation to its original scope, its scope at the beginning of its existence. By drawing on this higher, divine influence, the nation's worldly garments can also be restored. But if a person should wish to embrace the nation in its decadent condition, in its coarser aspects, without inner illumination from its ancient, higher light, he will soon take into himself filth and lowliness and elements of evil that will turn to bitterness in a short span of history of but a few generations. This is the vision of the evil kind of nationalism that we encounter.

But in the end the general love of humanity will overcome the evil surrounding it, and the basic love of nationhood, of the community of Israel, will destroy all its thorny elements, and she will draw from the divine source, as in her bridal days. She will be planted again in the place that has been her home, with a great wealth of her authentic characteristics, of practical self-limitation, and of many marks and imprints that will enrich her image. Her broken vessels will be mended, the sparks of purity that have been scattered will be gathered together, one by one. From the general ideal realm of existence will the light of Israel again be manifest, and, by its purity and might, restore the purity of the human ideal. The rose of Sharon [i.e. Israel], rooted in eternal righteousness, will blossom, and shed its light and splendor to all sides.

This divine spirit exists in the community of Israel in the most secret concealment, in the holy of holies, in the dark zones where faith in God is hidden, robed in the garment of the Jewish religion. The delusion of centering our religion on its outer forms, which, because of its weakness of perception, despises all the wealth in the mystical realm, has darkened the eyes and reduced our spiritual vision by building a wall of dross for the free spirit. It has created a filthy atmosphere for the rise of the crude heresy in its despicable form in which we encounter it in our time. When this outlook is applied to nationalism, it chooses precisely its worst elements, those likely to corrupt everything noble in the image of the individual, whose path is meant to point toward God. Without the dew of life in the love of God, of a noble reverence abounding with discernment and knowledge, and a life-faith pulsating with freedom, nationalism must take its path to pick grains from the animal dung of an inferior nation. In a gloomy spirit, full of anger and sickness, it will pride itself in the outwardness of a language

whose mighty holiness it does not recognize, of a land from whose wondrous qualities **it** is alienated, of nostalgic yearnings from which it has discarded every element that can nourish and vitalize. The adherents of such a nationalism will be disdainful of a nationalism the nobler and the more spiritual it is at its source, and they will contaminate it with the filth of their own impurity. There is no faith, there is no fear of God, there is no moral grandeur and no heroism of spirit—and what life can be revived by it?

This is the narrow state to which the community of Israel will descend prior to an awakening to the true revival. On awakening she will thrust aside with decided indignation all her dross, and with a divine resoluteness she will gather to herself all her good. From the holy heights she will restore to life all her treasures, and all her precious possessions will shine with a higher illumination. The sounds of song, the majesty of the holy tongue, the beauty of our precious land, which was chosen by God, the ecstasy of heroism and holiness, will return to the mountains of Zion. With the cleansing potency of the original soul of our people, with hidden divine influences and with the light of mercy and a higher pleasure hidden within it, will they come and also cleanse all the outer garments in which the soul and spirit of the nation robed itself. From the source of higher delight will flow many spices to remove the filthy smell that was absorbed by the crude nationalism enclosed in its materialism. And as smoke fades away so will fade away all the destructive winds that have filled the land, the language, the history, and the literature. “I will take you from among the nations and gather you out of all the countries and bring you into your own land. I will sprinkle on you clean water and you will be clean from all your defilements; from all your abominations will I cleanse you. I will give you a new heart, and I will place in you a new spirit; and I will remove the heart of stone from your flesh, and I will give you a heart of flesh. I will put My spirit within you, and I will cause you to walk in My statutes, and you will keep My laws and do them. And you will dwell in the land I gave to your ancestors, and you will be My people and I will be your God” (Ezek. 36:24-29).

יש שהוא שר שירת נפשו,
ובנפשו הוא מוצא את הכל, את מלא הסיפוק הרוחני במילואו.

ויש שהוא שר שירת האומה,
יוצא הוא מתוך המעגל של נפשו הפרטית, שאינו מוצא אותה מרוחבת כראוי ולא מיושבת
ישוב אידיאלי, שואף למרומי עז, והוא מתדבק באהבה עדינה עם כללותה של כנסת
ישראל, ועמה הוא שר את שיריה, מצר בצרותיה, ומשתעשע בתקוותיה, הוגה דעות
עליונות וטהורות על עברה ועל עתידה, וחוקר באהבה ובחכמת לב את תוכן רוחה הפנימי.

ויש אשר עוד תתרחב נפשו עד שיוצא ומתפשט מעל גבול ישראל, לשיר את
שירת האדם,
רוחו הולך ומתרחב בגאון כללות האדם והוד צלמו,
שואף אל תעודתו הכללית ומצפה להשתלמותו העליונה, וממקור חיים זה הוא שואב את
כללות הגיונותיו ומחקריו, שאיפותיו וחזיונותיו.

ויש אשר עוד מזה למעלה ברוחב יתנשא, עד שמתאחד עם כל היקום כולו,
עם כל הבריות, ועם כל העולמים,
ועם כולם אומר שירה,
זה הוא העוסק בפרק שירה בכל יום שמובטח לו שהוא בן העולם הבא.

ויש אשר עולה עם כל השירים הללו ביחד באגודה אחת, וכולם נותנים את קולותיהם,
כולם יחד מנעימים את זמריהם, וזה לתוך זה נותן לשד וחיים, קול ששון וקול שמחה, קול
צהלה וקול רנה, קול חדוה וקול קדושה.

שירת הנפש,

שירת האומה,

שירת האדם,

שירת העולם,

כולן יחד מתמזגות בקרבו בכל עת ובכל שעה. והתמימות הזאת במילואה עולה היא להיות
שירת קודש, שירת אל, שירת ישראל, בעוצם עזה ותפארתה, בעוצם אמתה וגדלה,
ישראל שיר אל,

שיר פשוט, שיר כפול, שיר משולש, שיר מרובע.
שיר השירים אשר לשלמה, למלך שהשלום שלו.

There is one who sings **the song of his own life**,
and in himself he finds everything, his full spiritual satisfaction.

There is another who sings **the song of his people**.
He leaves the circle of his own individual self, because he finds it without sufficient breadth,
without an idealistic basis. He aspires towards the heights, and he attaches himself with a
gentle love to the whole community of Israel. Together with her he sings her song. He feels
grieved in her afflictions and delights in her hopes. He contemplates noble and pure thoughts
about her past and her future, and probes with love and wisdom her inner spiritual essence.

There is another who reaches toward more distant realms,
and he goes beyond the boundary of Israel to sing
the song of humanity.

His spirit extends to the wider vistas of the totality of humanity, to the glory of her divine
image. He aspires toward humanity's total goal and looks toward her higher perfection. From
this source of life he draws the subjects of his meditation and study, his aspirations and his
visions.

Then there is one who rises toward wider horizons, until he links himself with all existence,
with all God's creatures, with all worlds,
and he sings his song with all of them.

It is of one such as this that tradition has said that whoever sings
a portion of the song each day is assured of having a share in the world to come.

And then there is one who rises with all these songs in one ensemble, and they all join their
voices. Together they sing their songs with beauty, each one lends vitality and life to the
other. They are
sounds of joy and gladness,
sounds of jubilation and celebration,
sounds of ecstasy and holiness.

**The song of the self,
the song of the people,
the song of humanity,
the song of the world,**

all merge in him at all times, in every hour.
And this full comprehensiveness rises to become the song of holiness, the song of God, the
song of Israel, in its full strength and beauty, in its full authenticity and greatness.

The name "Israel" stands for
shir el,
the song of God.

It is a simple song, a twofold song, a threefold song and a fourfold song.
It is the Song of Songs of Solomon, shlomo, which means peace or wholeness.
It is the song of the King that wholeness is His.

6. Zohar: The Mystery of Humanity

Sifra DeTsiuta, Chapter One

Trans. based on Daniel Matt

It has been taught:
The Book of Concealment, a book balanced
on scales.
For until there was a balance, they did not
gaze face-to-face,
and the primordial kings died,
and their weapons vanished,
and the earth was nullified.
Until the head of Desire of all Desires
arranged and bestowed garments of glory.
This balance
hangs in a place that is not;
weighed upon it were those who do not exist.
The balance stands on its own,
ungrasped and unseen.
Upon it rose
and upon it rise
those who were not,
and those who were,
and who will be.

ספרא דצניעותא, פרקא קדמאה

תאנא.

ספרא דצניעותא, ספרא, דשקיל במתקלא.
דעד דלא הנה מתקלא, לא הוּוּ משגיחין אפין באפין,
ומלכין קדמאין מיתו,
וזיוגיהון לא אשתכחו,
וארעא אתבטלת.
עד דרישא דכסופא דכל כסופין, לבושי דיקר אתקין,
ואחסין.
האי מתקלא
תלי באתר דלא הנה,
אתקלו ביה אינון דלא אשתכחו.
מתקלא קאים בגופיה.
לא אתאחד, ולא אתחזי.
ביה סליקו,
וביה סלקין
דלא הוּוּ,
נהוּוּ,
וניהוין.



The Great Assembly

(Zohar III128b) I translated and added the notes

[And then Rabbi Shimon began to reveal the secret mysteries of divinity. The beginning of the first mystery went like this:]

It is taught in the secrets of secrets:
when Rabbi Shimon began with the secrets of secrets,
the place shook and the friends they trembled,
and he began and he said, [...]

It is taught:
the Ancient of Ancients¹,
the Hidden of Hiddens,
when His preparations and crowns of crowns
were not yet,

there was no beginning and no end²,
and He would carve and fashion in Himself,
and He unfolded a canvas³, and on it carved
and fashioned kings,

but His work was not sustained
This is what is written (Breshit 36 31):
"These are the kings that ruled in the land of
Edom before there ruled a king in Israel⁴."
[before] the King of Old in Israel of Old.

And all of those that were carved⁵ were
called by names,
but they did not survive, and so He lay them
down, and hid them away,
until later He rose up again on that canvas,
and He was prepared in His preparations.

אֲדָרָא רַבָּא קְדִישָׁא (ג' קכח ע"ב)

תָּנָא רַזִּין דְּרַזִּין, כַּד פִּתַּח רַבִּי שְׁמַעוֹן בְּרַזִּי דְּרַזִּין,
אֲזַדְעָזַע אֶתְרָא, וְחִבְרִין אֶתְחַלְחִלוּ. [...]

תָּאנָא,

עֲתִיקָא דְּעֲתִיקִין,

טְמִירָא דְּטְמִירִין,

עַד לֹא זָמִין תְּקוּנוֹי, וְעֲטוּרֵי עֲטוּרִין,

שִׁירוּתָא וְסִיוָמָא לֹא הָוָה.

וְהָוָה מְגַלִּיף וּמְשַׁעֵר בֵּיהּ.

וּפְרִיס קַמִּיהּ חַד פְּרָסָא, וּבָהּ גְּלִיף וְשִׁיעַר מְלָכִין.

וְתִקּוּנוֹי לֹא אֶתְקִימוּ,

הָדָא הוּא דְּכַתִּיב

וְאַלֶּה הַמְּלָכִים אֲשֶׁר מָלְכוּ בְּאֶרֶץ אֱדוֹם לִפְנֵי מֶלֶךְ
מֶלֶךְ לִבְנֵי יִשְׂרָאֵל.

מְלָכָא קְדָמָאָה, לִבְנֵי יִשְׂרָאֵל קְדָמָאָה.

וְכָלְהוּ דְּגִלְפוּ בְּשִׁמְהוֹן אֶתְקִירוּ.

וְלֹא אֶתְקִימוּ,

עַד דְּאֵנַח לָהּ, וְאַזְנַע לָהּ, וּלְבַתֵּר זָמַנָּא הוּא אֶסְתַּלַּק
(נ"א הוּא מִסְתַּכֵּל) בְּהוּא פְּרָסָא,

וְאֶתְקִין בְּתִקּוּנוֹי.

¹ The Ancient of Ancients is the very earliest and most transcendent aspect of God; just one step closer to us than *divine nothingness* (ein sof).

² Even the Ancient of Ancients emerged from *nothing*. Eventually the Ancient of Ancients will take on a partially human form which I think is referred to here as His "preparations and crowns of crowns". But before He emerged in any particular form there was no beginning and no end.

³ פְּרָסָא : literally some kind of veil or division.

⁴ Before the Ancient of Ancients took on any form, and while there was still no beginning and no end, He began to "carve and fashion" in Himself. This self-formation was the very beginning of an attempt at creation. As part of this attempt, He unfolded a canvas (perhaps the stuff of creation) and carved into it "kings" (who are perhaps the forces of nature or the principles of creation). These are the Kings of EDOM (as opposed to ADAM). Neither this first attempt at creation nor its Kings survived. But they were not completely lost: they were recycled in the creation of the world as we know it...or perhaps lurk as dangerous shadows.

⁵ The Kings of Edom.

It is taught:
when it was His will to create the Torah,
[she was] hidden for two thousand years, and
then He brought her out, and immediately she
said:

"One who wishes to correct and to prepare
[other things],
must first prepare Himself."⁶

It is taught in the Book of Concealment:
Ancient of Ancients,
Hidden of Hiddens,
Concealed of Concealed
was prepared and arrived,
like the oldest of men,
more ancient than ancient,
more hidden than hidden,
through His preparations He is known but
not known.

He is the essence of whiteness –
white beard and white hair and the
countenance of His face – white.
He sits upon a chariot of flames, to hold them
in check.

[...]
3 135a-b
*[Rabbi Shimon turns to the companions in the
Great Assembly and he says]*
Now prepare yourselves and direct your
minds to constructing the Divine Human
Image, how He will be constructed, and how
He will dress in His attributes from the
attributes of the ancients of days, holy of holies,
hidden of hiddens, most hidden of all. And
now it is upon you to declare true, fitting and
beautiful verdicts to firmly place all the
[divine] structures on their foundations.

ותאנא,
כד סליק ברעותא למברי אורייתא ;
טמירא תרי אלפי שנין, ואפקה, מיד אמרה קמיה,
מאן דבעי לאתקנא ולמעבד, יתקן בקדמיתא
תקונוי. דף קכ"ח ע"ב
תאנא בצניעותא דספרא,
עתיקא דעתיקין,
סתרא דסתרין
טמיר דטמירין,
אתתקן ואזדמן,
פחד סבא דסבין,
עתיק מעתיקין,
טמיר מטמירין,
ובתיקונוי ידיע ולא ידיע.

מארי דחנור - פסו וחיוזו בויסא דאנפוי,
יתיב על פורסא דשביבין, לאכפניא לון.

[...]
ג' קל"ה ע"א-ב
השתא אתתקנו ואתקונו דעתא, למתקן תקונוי
דזעיר אפיו, היך יתתקן, והיך יתלבש בתקונוי
מתקוני עתיק יומין, קדישא דקדישין, טמירא
דטמירין, טמירא מכלא. דהשתא חובתא (חכמתא)
עליכון, למגזר דינא קושטא נאה ושמירא ולאיתקנא
כל תקונין על בורייה.

⁶ This seems to mean that if the Ancient of Ancients wants to make a world that lasts, He must first form Himself into something appropriate. The appropriate form for the creator of a balanced creation is the partially human form mentioned above. This is so because the essence of humanity, according to the Zohar, is *balance*, the balance of male and female, right and left.

The attributes of the Divine Human Image (Zeir Anpin) extend from Arich Anpin⁷, and they spread out from here and from here⁸, in the likeness of a human being, so as to establish in it⁹ the spirit of He who is the most hidden [Arich Anpin].¹⁰ So that [He may] sit on the Throne as it is written (Yechezkel 1): "and upon the image of a throne, an image in the appearance of ADAM upon it from above".

The appearance of ADAM,
that includes all constellations.

The appearance of ADAM,
that includes all names.

The appearance of ADAM,
in which are hidden all worlds higher and
lower.

The appearance of ADAM,
that includes all secrets said and established
before the world was created,
even though they did not exist.

It is taught in the Concealment of the Book: the ancient of ancients before He established His attributes, He built kings, He collected kings (another version: He carved kings), He fashioned kings, but they could not endure, until He pushed them away (another version: hid them away), and placed them aside for a time, and [about these kings] it is written (Breshit 36): "These are the kings that ruled in the land of EDOM..." In the land of EDOM, a place where all harsh judgments are, and...and all those worlds were destroyed...Why? Because ADAM had not yet been established. For the establishment of ADAM in His Image contains all things, and all things can be safely set in Him.

תקוני דזעיר אפיין, מתקוני דאריך אפיין אתתקנו.
ואתפשטו תקוני מלאן ומלאן, כחיו בר נש,
למשלטה (ס"א ומשלחא) ביה רוחא דטמירא דכל
טמירין. בגין למיתב על כורסיא, דכתיב, (יחזקאל
א) ועל דמות הכסא דמות כמראה אדם עליו
מלמעלה.

כמראה אדם :

דכליל כל דיוקניו.

כמראה אדם :

דכליל כל שמחו.

כמראה אדם :

דביה סתימין כל עלמין עלאין ותתאין.

כמראה אדם :

דכליל כל רזין דאתאמרו ואתתקנו עד דלא אברי
עלמא,
ואף על גב דלא אתקיימו.

תאנא בצניעותא דספרא, עתיקא דעתיקין עד לא
זמין תקוניו, באני מלכין, כנס מלכין, (נ"א גליף
מלכין) ומשער מלכין, ולא הוו מתקיימי, עד דדחי
(ס"א דאנח) לון, ואצנע לון לבתר זמנא, הדא הוא
דכתיב, (בראשית לו) ואלה המלכים אשר מלכו
בארץ אדום. בארץ אדום, באתר דכל דיניו
מתקיימין תמן...וכלהו עלמין אתחרבו. ... מאי
טעמא? משום דאדם לא אתתקן. דתקונא דאדם
בדיוקניה, כליל כלל, וכליל כלל לאתנשבא ביה.

⁷ This means "Slow to Anger" and is the same as the Ancient of Days. Perhaps Arich Anpin is the inner self of the Divine Human Image (Zeir Anpin).

⁸ Imagine the attributes flowing "down" from Arich Anpin like a great river of water, and then "spreading out" into different streams flowing off in different directions.

⁹ That is, in the likeness of the human being.

¹⁰ The Divine Human Image emerged from from Arich Anpin so that Arich Anpin's spirit could literally be "sent forth" or "control" that Image. That is, the spirit of Arich Anpin is embodied in the relative concreteness of the Divine Human Image. In exchange, that spirit animates the Divine Human Image and transforms Her/Him into a living soul.

8. Methodology: Sacred Text and the Logic of Religious Truth

The Basic Idea of Today's Class in a Nutshell

(adapted from "Human Rights as Mashiach" at humanrightstheology.net)

The Interpretative Methodology Behind the Theology

Let's take a look at the interpretative methodology that the theology of Human Rights is based on. In this course, we've examined a number of themes in Isaiah, the Talmud, the Rambam, the Rakha and Rav Kook. While I (Shaiya) taught these themes in a way calculated to emphasize the points important for this presentation, at the same time I tried to remain faithful to what it says in the texts. But I was highly selective about which themes were included.

For example, I presented Isaiah's vision of global justice as the pinnacle of the Rambam's divine plan for the redemption of humanity. But I ignored Isaiah's supernatural understanding of politics that is diametrically opposed to the Rambam's practical rationalism. And I read the Rakha's Court of Nations as the instrument for the Rambam's just world order. But the Rakha envisioned a global coalition of liberal democracies while the Rambam's ideal state would look something like today's Iran. So I ignored the form of government that the Rambam thought would lead to human perfection. What determines which themes get included and which left out?

It is the logic of religious truth that chooses the themes and fits them together. What logic is this? The foundation of true religion, upon which everything else depends, is that the word "God" means *at least* "that which I sincerely recognize as absolute value worthy of my absolute faithfulness". If you don't believe that anything is worthy of your absolute faithfulness, then you don't believe in God. If you do believe that something requires your faithfulness, then you know that God exists, at least as so defined.

My approach to the theology of Human Rights proceeds on the basis that, following the Rambam, I believe that truth, loving-kindness and justice *as I understand them* demand absolute faithfulness and therefore have their root in God. That's not because my mind can fully grasp God; of course, it can't. And that's not because God is limited to those things; "God" can mean lots of things that I don't know how to talk about. But I can only worship, *in good faith*, the God who is the root of what *I recognize* as ultimate value. If I were to call anything less than that, "God", I would be professing ultimate allegiance to that which I do not honestly recognize as the Most High, and that is idolatry. Authentic religious

consciousness dictates that I pay homage only to that which I sincerely recognize as so ultimately valuable that it demands my absolute allegiance.

Notice a critical assumption in this notion of religious truth: I think I know something about what is worthy of worship. That may seem counter intuitive. Should I not say that authoritative tradition dictates to me what is worthy? Absolutely not! If I cannot trust my most basic spiritual and moral intuitions, how do I know that "Judaism" serves God and not some evil overlord? If my considered judgment is not of religious import, how can I navigate the manifestly contradictory ideals contained in historical Judaism? The logic of religion is that we forever critically review our intuitions about God in light of the sacred tradition that we practice. But the bottom line is that if we cannot trust our sense of what is worthy of service and worship, *then we can have no access to God*, and even piles upon piles of prayers and authoritative texts can't help us.

It follows that the religious truth of sacred text is always necessarily a form of *midrash*. What texts like the Five Books of Moses, Isaiah and the Rambam meant in historical context is not what religiously binds us. *The true religious meaning of sacred text is that meaning which draws us closer to God*. We are not bound by the historical meaning for the simple reason that *we worship God and not history*. Religious meaning is meaning consecrated to God. Since human civilization and consciousness have dramatically changed during the evolution of our species, that which draws us closer to God is forever in flux. When our conceptions of loving-kindness and justice evolve, so do the *true religious meanings* of our tradition. The notion that the historical meaning of a *sacred* text is religiously authoritative and binding is antithetical to the logic of religious truth. Commitment to religion *means* commitment to reinterpreting our received traditions in light of our ever unfolding consciousness of God.

In today's class we'll explore three traditional embodiments of these principles:

- 1) The sages on kiryat shema (the recitation of the Shma)
- 2) The Rambam on the role of intellect in interpreting the Bible and Talmud.
- 4) The Rakha on the role of reason and morality in interpreting Jewish law.

Example One: The Sages on Kiryat Shema

Selection from the Ency. Judaica (by Louis Jacobs)

SHEMA, READING OF, the twice daily recitation of the declaration of God's unity, called the *Shema* ("Hear") after the first word in Deuteronomy 6:4; also called *Keri'at Shema* ("the reading of the *Shema*"). As it had developed by at least as early as the second century C.E., the *Shema* consisted of three portions of the Pentateuch – Deuteronomy 6:4–9; Deuteronomy 11:13–21; and Numbers 15:37–41, in this order – together with the benedictions of the *Shema*...

Development of the Practice

It is difficult to determine the stages through which this development took place. At a very early period the Deuteronomic injunction "And these words which I command thee this day ... and thou shalt talk of them" (6:6–7 and 11:19) were understood as a commandment to read the *Shema*, perhaps in response to the challenge of Zoroastrian dualism, though as late as the third century C.E. some held the view that the duty of reciting the *Shema* is rabbinic and the verses refer not specifically to the *Shema* but to the "words of Torah" in general (Ber. 21a). The Nash papyrus [c. 150 B.C.E.] , dating from the Hasmonean period, contains the Ten Commandments and the first portion of the *Shema*.

Points to Consider

- If Deuteronomy was written sometime during the seventh century B.C.E., how many years passed before the first clear evidence of the reciting of the three-paragraph "Kiryat Shema" that we know today?

דברים פרק ו

(ד) שָׁמַע יִשְׂרָאֵל יְקֹוֹק אֱלֹהֵינוּ יְקֹוֹק אֶחָד : (ה) וְאַהֲבָתָ אֶת יְקֹוֹק אֱלֹהֶיךָ בְּכָל לֵבְבְךָ וּבְכָל נַפְשְׁךָ וּבְכָל מְאֹדְךָ :
(ו) וְהָיוּ הַדְּבָרִים הָאֵלֶּה אֲשֶׁר אֶנֶכִּי מְצַוְךָ הַיּוֹם עַל לֵבְבְךָ : (ז) וְשָׁנַנְתָּם לְבְנֶיךָ וְדִבַּרְתָּ בָם בְּשִׁבְתְּךָ בְּבֵיתְךָ וּבִלְכֻתְךָ
בְּדֶרֶךְ וּבְשֹׁכְבְּךָ וּבְקוּמְךָ : (ח) וְקִשְׁרָתָם לְאוֹת עַל יָדְךָ וְהָיוּ לְטֹטְפוֹת בֵּין עֵינֶיךָ : (ט) וְכָתַבְתָּם עַל מְזוֹזֹת בֵּיתְךָ
וּבְשַׁעְרֶיךָ :

Devarim 6

4Hear, O Israel: The LORD our God is one LORD: 5And you shall love the LORD your God with all your heart, and with all your soul, and with all your might. 6And these words, which I command you this day, shall be in your heart: 7And you shall teach them diligently to your children, and shall talk of them when you sit in your house, and when you walk by the way, and when you lie down, and when you rise up. 8And you shall bind them for a sign on your hand, and they shall be as frontlets between your eyes. 9 And you shall write them on the posts of your house, and on your gates.

Points to Consider

- What are "these words" mentioned in verse 6? What exactly does the text say you should do with them?

The following texts are selections from the Talmudic discussion of *kiryat shema*.

משנה ברכות א:א

משנה. מאימתי קורין את שמע בערבית? - משעה שהכהנים נכנסים לאכול בתרומתן עד סוף האשמורה הראשונה, דברי רבי אליעזר. וחכמים אומרים: עד חצות. רבן גמליאל אומר: עד שיעלה עמוד השחר.

תלמוד בבלי מסכת ברכות דף ב עמוד א

גמרא. תנא היכא קאי דקתני מאימתי?!...תנא אקרא קאי, דכתיב +דברים ו'+ בשכבך ובקומך. והכי קתני: זמן קריאת שמע דשכיבה אימת - משעה שהכהנים נכנסין לאכול בתרומתן.

Mishnah Berachot 1:1

(1) From when are we to recite the *shema* in the evening? From the time when the priests return to each *terumah*, up until the end of the first watch. [*Priests who have become impure and have immersed themselves in a mikveh in order to purify themselves must wait until the stars have appeared in order to be considered ritually pure so that they can eat the "terumah", which is food that they must be ritually pure in order to eat. The night is divided into three "watches"*]. This is the opinion of Rabbi Eliezer, but the Sages say, [One may recite the *shema*] until midnight. Rabban Gamliel says, Until dawn.

Translation based on <http://www.emishnah.com/Berachot.html> (which is a very impressive Mishna study site, worthy checking out).

Talmud Bavli Berachot 2a (On the Mishnah quoted above)

Gemara. The sage who asked "when do we recite the *shema*", where is he standing?! [*that is to say, what is he talking about?! The Mishnah hasn't told us anything about an obligation to say the "shema", so why is it all of a sudden asking about when we should say it?*]...[The answer is] that the sage is 'standing' on the scripture which says, "when you lie down and when you get up", and he's asking, "in regard to saying the *shema* 'when you lie down', when is that exactly?"

Later on in the Mishnah, the question is asked "what blessing is said over fruit?" It is explained that for fruits of the tree, you say "blessed are the fruits of the tree" and so forth. But the "Tosafot" (Ashkanazi Rabbis in the Middle Ages who wrote an influential commentary on the Babylonian Talmud) aren't satisfied. They want to know why the Talmud doesn't ask the same question it asked above, that is, "the sage - where is he standing?!" In other words, the Mishnah asks which blessing we say on fruit when it hasn't taught us that we say blessings at all! This is just like above, where the Mishnah asks "when do we say the evening *shema*" even though it hasn't told us that we are obliged to say the *shema* at all! And so the Tosafot say: the Talmud should have asked, "the sage - where is he standing?" here, too. They want to know why the Talmud isn't consistent. Their explanation appears in the box on the next page.

תוספות מסכת ברכות דף לה עמוד א

כיצד מברכין - לא שייך להקשות תנא היכא קאי דקתני כיצד כדפריך בריש מכילתין (ד' ב.) משום דהכא סברא הוא לברך כדמסיק בגמרא דאסור ליהנות מן העולם הזה בלא ברכה...

Tosafot Brachot 35a "Keitsad Mevarchin"

[The Mishnah says] "What blessing to do we say [on fruit]? It is not relevant here to question the Mishnah by saying, "the sage - where is he standing?!" like the Talmud did early on in this tractate (Brachot 2a) because here [the obligation to bless God before we eat] stands to reason [literally: is "s'vara"], as it is learned in the gemara, that it is forbidden to benefit from this world without blessing [God]...

In light of this whole discussion, the Rakha (our own Rabbi Chayyim Hirschensohn who envisioned the Court of Nations on the Temple Mount), concludes:

הרח"ה (המסדרונה, שנה א', חוברת א' אות לד, וחבורות ג-ד אות שי"ד ואות של"א).
"תנא אקרא קאיי" - אין הכוונה על הקרא בלבד רק על כל הלכות המתפשטות ברוב ישראל לדבר מפורסם... וכל דבר פשוט ומפורסם... [ואז הרח"ה מזכיר את התוספות הנ"ל, ומבאר את כוונתם כך:]
התוספות כתב בטעם שלא מקשה הש"ס "תנא היכי קאיי" משום דהדבר ידוע מסברא, וכוונת התוס' שדבר הידוע מסברא אינו צריך קרא כלל... [ובביאור הרמב"ם בהקשר אחר הרח"ה ממשיך ואומר] וכל דבר הידוע מסברא והדעת נוטה אליו והמופת מחייבו אין צריכים כלל לציוו ונתחייב אדם בו כמו שה' בהם ציוו, כי הוא מחוקי הצדק אשר הכונן משרים נטע בחוק הטבע ועולם חסד יבנה...

Rakha, "HaMisderonah", selections:

"The sage - where is he standing?" [The Talmud's answer, that he is "standing" on the scripture] doesn't refer only to the scripture itself, but rather includes all commonly known precepts of Judaism that most Jews accept to be true... [that is] everything that is simple and generally known... [and then the Rakha mentions the Tosafot quoted above, and he explains] that the Tosafot wrote that the reason that the Talmud doesn't ask "the sage - where is he standing?" [in regard to the blessings for fruit] is because [saying a blessing over food] is known from s'vara, and what they mean is that anything which is known from s'vara does not need [a basis] in scripture at all... anything which is known from s'vara, and stands to reason, and logic proves it, there is no need for any commandment, and human beings are bound by it just as if God had commanded them, because [that which is known by s'vara] is part of the laws of justice that He who established righteousness planted in the law of nature, and [as it is written in Psalms 89:3], "the world is built upon loving-kindness"...

Example Two: The Rambam on Intellect and Interpretation

In Perek Helek (part of the Rambam's **Commentary on the Mishnah**, Tractate Sanhedrin), the Rambam says:

"...when you encounter a word of the sages which seems to conflict with *intellect*, you will pause, consider it, and realize that this utterance must be a riddle or a parable. You will sleep on it, trying anxiously to grasp its logic and its expression, so that you may find its genuine *intellectual* intention and lay hold of a direct faith, as Scripture says: "To find out words of delight, and that which was written uprightly, even words of truth" (Eccles. 12:10).

Similarly, in the Guide to the Perplexed 2:25, he states that if science had proven that the world is eternal and not created, in contradiction to the simple meaning of the Bible, he would have interpreted the Bible to say that the world is eternal, because if science had proved it, it would be the *truth* and "the gates of figurative interpretation are not shut in our faces".

Example Three: The Rakha on Reason, Morality and Jewish Law

In one place (**Malki Bakodesh**, Vol. 4, pg. 10), the Rakha sums it up like this:

We must consider all things in light of morality and reason, and that which we find *kosher* and upright and established in relation to these two foundations, we then look into the *halacha* [Jewish law] – that all its paths are paths of pleasantness and its ways are peace (Prov. 3:17) – for the *halacha* never contradicts something which is upright and true in regard to morality and reason, and if we find [what seems to be a] contradiction, then we must struggle in study until we find that...either we don't understand the *halacha*, or we don't understand morality...

Points to Consider

- How are the Rambam and the Rakha similar in their interpretative approach? How are they different?
- How do the explicit instructions about how to read sacred text, given by the Rambam and the Rakha, relate to how the sages approached *kiryat shema* above?

9. From Theology to Praxis: The City of Righteousness, The Faithful City.

Structure of (our last!) Class

1. Introductory Lecture: **The Human Covenant**

- An overview of the history of "human rights" as told by Samuel Moyn (Prof. of History at Columbia University) in **The Last Utopia: Human Rights in History**.
- An overview of the idea of **Humanity's Law** as presented by Ruti Teitel (Prof. of Comparative Law at New York University) in her book by that title.
- Introducing the idea of the Human Covenant.

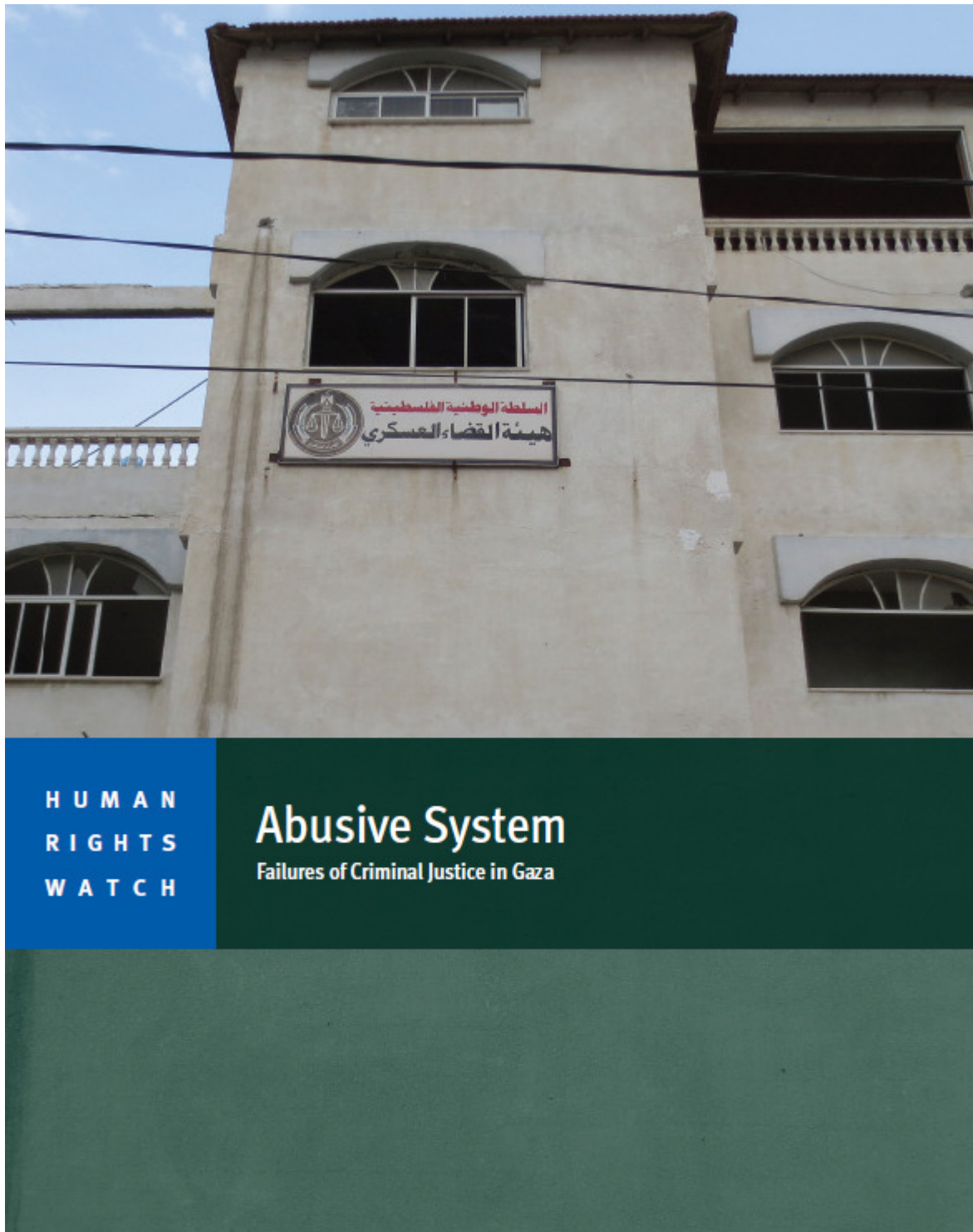
2. Human Rights as Praxis

- What is Human Rights civil society activism? Analysis of a Human Rights Watch report: **Abusive System - Failures of Criminal Justice in Gaza** (a report from 2012 about the criminal justice system under the Hamas in the Gaza Strip).
- Human Rights activism as Torah praxis.
- Jerusalem - The City of Human Rights.

3. Summing up the Course

- Personal Reflections and Future Directions

Case Study: Selections from a Human Rights Watch Report



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Map of Gaza Strip. © 2012 Human Rights Watch

Abusive System

Failures of Criminal Justice in Gaza

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Summary (Selections from the Summary of the Report)

This report highlights the failure of the criminal justice system in Gaza under Hamas rule, including security forces, prosecutors, and judges, to uphold the law and protect the rights of detainees and criminal defendants and hold those responsible for serious abuses accountable.

Based on interviews with former detainees, lawyers, human rights groups, and reviews of case files and court judgments the report documents how Hamas security services in Gaza routinely conduct arrests without presenting warrants, refuse to promptly inform families of detainees' whereabouts, deny detainees access to a lawyer and torture detainees in custody.

In August 2008, Abdel Karim Shrair was arrested by members of the al-Qassam brigades, Hamas's armed wing, which detained and allegedly tortured him at an unknown location for three weeks before transferring him to the custody of the police....

Shrair's family members are among numerous witnesses who have reported that the Internal Security agency, the drugs unit of the civil police force, and police detectives all engage in the torture of detainees. The Independent Commission for Human Rights, a non-partisan Palestinian rights group that also monitors abuses in the West Bank, reported receiving 147 complaints of torture perpetrated by these forces in 2011...

The abusive practices of the security services in Gaza flout human rights norms that Hamas has pledged to uphold, and also violate Palestinian laws...

In the seven cases documented in this report, the judiciary in Gaza, which consists of civil and military branches, consistently failed to hold to account security services that operated outside the law or to uphold the rights of detainees...

Human Rights Watch impartially documents abuses by governing authorities in Gaza, Israel and the West Bank. This report does not attempt to compare abuses by Hamas with abuses by the Palestinian Authority security forces in the West Bank, where Human Rights Watch has also documented arbitrary arrest, torture and impunity. As part of a potential reconciliation agreement, the Palestinian authorities in Gaza and West Bank should both ensure that victims of torture and other cruel, inhuman and degrading treatment or punishment are compensated appropriately and that members of security forces responsible for torture are brought to justice.

Given credible evidence of widespread and gross violations of due process as well as systematic ill-treatment and torture, Hamas should take meaningful steps to reform its justice system to strengthen the rule of law and protect the rights of detainees...

I will restore your judges as at the first,
and your counselors as at the beginning:
afterward you shall be called,
the City of Righteousness,
the Faithful City.
Zion shall be redeemed with judgment,
and those that return to her
with righteousness.

Isaiah 1:26-27